MARCI TULLII CICERONIS

PRO TITO ANNIO MILONE

ORATIO AD IUDICES.

London: C. J. CLAY AND SONS,
CAMBRIDGE UNIVERSITY PRESS WAREHOUSE,
AVE MARIA LANE.

Cambridge: DEIGHTON, BELL, AND CO.
Leipzig: F. A. BROCKHAUS.

Pitt Press Series.

M. T. CICERONIS

ORATIO

PRO TITO ANNIO MILONE

WITH A TRANSLATION OF ASCONIUS' INTRODUCTION, MARGINAL ANALYSIS AND ENGLISH NOTES.

BY THE

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EDITED FOR THE SYNDICS OF THE UNIVERSITY PRESS.

Cambridge:
AT THE UNIVERSITY PRESS.

1886

Cambridge
PRINTED BY C. J. CLAY M.A. AND SONS
AT THE UNIVERSITY PRESS

ADVERTISEMENT.

THE text generally followed in this Edition is that of Halm (Berlin, 1860), to whom the Editor is also indebted for many corrections and additions in the Notes. An Index to the Notes has been added in the present Edition, which, it is hoped, may be found useful for purposes of reference.

INTRODUCTION

BY

Q. ASCONIUS PEDIANUS[1].

CICERO delivered his defence of Milo on the eighth of April [B.C. 52, U.C. 702], and in the third consulate of Cnaeus Pompeius. During the progress of the trial the Forum and all the temples in its neighbourhood were occupied by troops, as we learn, not only from the following speech [§§ 1, 2] and the records of the period, but also from the treatise ascribed to Cicero, entitled *De optimo genere Oratorum* [ch. 4. § 10]

2 The candidates for the office of consul [in the year 52] were T. Annius Milo[2], P. Plautius Hypsaeus[3], and Q. Metellus

[1] Q. ASCONIUS PEDIANUS was born about the commencement of the Christian era. He wrote commentaries on the speeches of Cicero, fragments of which are still extant. The genuineness of those on the *Divinatio* and the first two speeches against *Verres* has been disputed by Madvig and other modern critics: see Madvig's *Disputatio Critica de Q. Ascon. Ped. Commentariis.*

[2] MILO was a name common amongst gladiators in the south of Italy, and therefore, probably, a nickname given to him on account of his notoriety as captain of some of the paid assassins which infested Rome and its environs at this time. His real name was Titus Annius Papianus; the second being derived from his adoption by T. Annius Luscus, his maternal grandfather; the third, from his father C. Papius Celsus, who married Annia. He was born at Lanuvium, and in B.C. 57 married Fausta, daughter of the dictator Sulla. In the same year, as tribune of the plebs, he came into collision with the ex-tribune Clodius. Failing in an attempt to prosecute him for his acts of violence, he collected a band of armed gladiators; and thus began the series of contests which ended so fatally in the death of Clodius. In the year 53, when canvassing for the consulate, he was charged in the senate with insolvency by Clodius, and defended by Cicero in a speech entitled *de aere alieno Milonis*, of which only a few fragments remain. The events with which the next year opened form the subject of the present speech.

[3] P. Plautius Hypsaeus was tribune

Scipio[4]. Their canvass was conducted with the help of parties of armed ruffians, together with the most shameless and unstinted bribery. The principal supporter of Scipio and Hypsaeus against Milo was P. Clodius[5]. A bitter enmity had existed for some time between Clodius and Milo, on account of Cicero's friendship for the latter, and the activity displayed by Milo in promoting the orator's recall from banishment [B.C. 57]. So great was the hostility between them, that they had often come to blows within the city at the head of their respective clubs, each of them being a match for the other in audacity, though Milo had the advantage of fighting for the better cause. Clodius was himself aspiring to a prætorship in 52, and therefore had an additional motive for opposing Milo, whose elevation to the consulate in the same year would greatly thwart the execution of his own designs. The meetings of the comitia for the election of consuls had been long protracted[6], and at last rendered quite impracticable by the scandalous contests of the candidates; so that there were neither consuls nor prætors in the month of January [B.C. 52]. In the meantime Milo made strenuous endeavours to obtain a final decision in his favour, and seemed to be on the eve of success. He was supported by the better class of citizens on account of his resistance to Clodius, and by the populace, because he had won them over to his side by bribes, dramatic exhibitions, and costly shows of gladiators, on which, as Cicero intimates, he had squandered no less than three

of the plebs in B.C. 54, and afterwards banished for bribery during his canvass for the consulate.

[4] Q. Metellus Pius Scipio was prosecuted for bribery together with Hypsaeus, but escaped conviction through the influence of Pompeius. On the 1st of August, B.C. 52, he became the colleague of Pompeius in the consulate, to whose cause he attached himself in the civil war. He was finally defeated by Caesar at the battle of Thapsus in Africa, B.C. 46. In endeavouring to escape to Spain, his squadron was overpowered by the fleet of P. Sittius, in consequence of which he stabbed himself, and leaped into the sea.

[5] P. Clodius Pulcher was a member of the Claudian family, and descended from a long line of illustrious ancestors, most of whom were named Claudius, and others Clodius. He is himself called Claudius by Dion Cassius (XXXV. 14). For an account of his eventful life see Dr Smith's *Dict. of Biograph.* art. *Claudius;* Mr Merivale's *Hist. of the Romans under the Empire*, Vol. I.; and Middleton's *Life of Cicero*. The German student will also find ample information in the second volume of Drumann's *Geschichte Roms*.

[6] Appian says that these delays took place with the connivance of Pompeius, who was intriguing for the dictatorship: Πομπηΐου πάνθ' ὑπερορῶντος ἐπιτηδὲς, ἵνα ἐν χρείᾳ γένοιντο δικτάτωρος. *Bell. Civ.* II. 20.

fortunes[7]. The policy of his opponents, on the other hand, had been to cause as much delay as possible; and consequently the customary motion for convoking the patrician members of the senate to appoint an Interrex[8] was defeated by Pompeius, who was son-in-law to Scipio[9], and T. Munatius Plancus[10], a tribune of the plebs.

3 While matters were in this condition, Milo left the city on the twentieth of January (for I adopt the date mentioned in the speech, as agreeing with the registers, rather than that given by Fenestella[11], who says it was on the nineteenth) for his native town of Lanuvium, of which he was dictator, in order to nominate a Flamen on the following day[12]. He was met about two o'clock in the afternoon by Clodius, just beyond Bovillae[13], near the spot on which the chapel of Bona Dea[14] stands. The latter was returning from Aricia[15], after an interview with the councillors[16] of that town, on horseback, and accompanied by nearly thirty slaves wearing

[7] See notes on chap. 35. § 95. In the year B.C. 54 Cicero thus writes to his brother Quintus: 'Angit unus Milo: sed velim finem afferat consulatus; in quo enitar non minus quam sum enisus in nostro...De quo cetera (nisi plane vis eripuerit) recte sunt: de re familiari timeo:

'Ο δὲ μαίνεται οὐκέτ' ἀνεκτῶς,
qui ludos H. S. CCCI. comparet.' *Ad Q. F.* III. 9.

[8] The duty of the Interrex was to hold the comitia for the election of consuls, when the consuls had been unable to do so in their own year of office. A fresh one was appointed every five days until the consuls were elected. Plebeians were not eligible to this post, and consequently only the patrician members of the senate took part in the election of Interreges. (See Liv. IV. 43; Cic. *pro Domo*, c. 14. § 38.)

[9] Cnaeus Pompeius married Cornelia, the daughter of Metellus Scipio, after the death of Julia.

[10] T. Munatius Plancus Bursa was brought to trial at the close of his tribunate, for the part he took in the burning of the Curia Hostilia, Cicero being his accuser. He was condemned, and afterwards joined Cæsar at Ravenna. Cicero, in a letter to M. Marius, says that the condemnation of Plancus gave him greater pleasure than the death of Clodius. *Ad Fam.* VII. 2.

[11] A Roman annalist in the reign of Augustus. A few fragments remain of his work entitled *Annales*. It is frequently referred to by Asconius, Plinius the naturalist, and Aulus Gellius.

[12] See notes on chapter 10. § 27. According to Appian, Milo retired from Rome disgusted at the delays which had taken place and the treachery of Pompeius: βαρυθυμῶν ὁ Μίλων, ὡς καὶ περὶ αὐτὸν ἀπίστου γιγνομένου τοῦ Πομπηΐου, ἐς τὴν πατρίδα Λανούβιον ἐξῄει. *Bell. Civ.* II. 20.

[13] About twelve miles from Rome. Cicero, in a letter to Atticus, written B.C. 51, facetiously speaks of this rencontre as 'the battle of Bovillae' (*post pugnam Bovillanam*); *ad Att.* V. 14. § 1. See notes on § 29.

[14] See notes on chap. 31. § 86.

[15] See notes on chap. 19. § 51.

[16] *decuriones.* The decuriones of a municipal town in the provinces corresponded to the Roman senate.

swords, and in other respects equipped for fighting, according to the practice of travellers at that period[17]. Clodius had also three friends with him, one of whom was a Roman knight named C. Causinius Scola[18], and the other two, whose names were P. Pomponius and C. Clodius, were plebeians of obscure family. Milo was riding in a travelling carriage with his wife Fausta, daughter of L. Sulla the dictator, and his friend M. Fufius. They were followed by a large body of slaves, some of whom were gladiators, two notorious ones named Eudamus and Birria being of the number. The latter, who were in the rear and going rather slowly, picked a quarrel with the slaves of Clodius, who, on looking round at the affray with an air of defiance, was run through the shoulder by Birria with a rapier[19]. A fight ensued; and some more of Milo's party ran up to the spot. Clodius was carried, wounded, into a tavern[20] in the district of Bovillae. Hearing this, and feeling that, if he lived, the occurrence would be even then attended with some danger to himself, but that it would be a great relief to him if Clodius were killed, even though he himself had to suffer for it, Milo ordered him to be hunted out of the tavern[21]. M. Saufeius led on the slaves of Milo; and by this means Clodius was dragged forth from his hiding-place, and dispatched with several wounds[22]. His corpse was left in the road, as the slaves of Clodius were either killed, or in concealment and severely wounded. A senator named Sextus Tedius, who happened to be returning to the city

[17] As Niebuhr has observed, 'just as our nobles used to travel in the 16th and 17th centuries.' *Lectures*, Vol. II. p. 44.

[18] See chap. 17. § 46.

[19] *humerum rhomphaea traiecit:* *ἐπάταξεν ἐς τὸ μετάφρενον ξιφιδίῳ.* Appian, *B.C.* II. 21. The precise nature of the weapon called 'rhomphaea' is not known, but it was probably a short sword with a double edge, that could be used for thrusting as well as cutting.

[20] *Καὶ τὸν μὲν αἵματι ῥεόμενον ἐς τὸ πλήσιον πανδοκεῖον ὁ ἱππόκομος ἐσέφερεν.* Appian.

[21] Or, perhaps, 'ordered the tavern to be cleared,' if we retain the common reading, 'exturbari *tabernam*,' which Madvig has altered on conjecture into 'exturbari *taberna*,' with the remark, 'quasi taberna latitans eiicienda fuerit.'

[22] Comp. App. II. 21: *ὁ δὲ Μίλων μετὰ τῶν θεραπόντων ἐπιστὰς ἔτι ἔμπνουν ἢ καὶ νεκρὸν ἐπανεῖλεν, ὑποκρινόμενος μὲν οὐ βουλεῦσαι τὸν φόνον οὐδὲ προστάξαι· ὡς δὲ κινδυνεύσων ἐξάπαντος, ἠξίου τὸ ἔργον οὐκ ἀτελὲς καταλιπεῖν.* See also Dion Cass. XL. 48. Cicero himself admits in a letter to Atticus (written B.C. 57), that Milo would not then have hesitated to kill Clodius with his own hands, if he had come in his way: 'si se inter viam obtulerit, occisum iri ab ipso Milone video: non dubitat facere; prae se fert; casum illum nostrum (*i. e.* banishment) non extimescit;' *ad Att.* IV. 3. The brevity and vagueness of Cicero's own account of the matter in his speech

from the country, picked it up, and ordered it to be conveyed to Rome in his own palanquin, while he himself returned to the place from which he had come. The body of Clodius arrived at Rome before half-past six in the evening, and after it had been placed in the hall of his house, was surrounded by crowds of slaves and the lowest rabble, who loudly expressed their sorrow for his fate. His wife Fulvia[23] also inflamed the bad passions excited on the occasion by profuse demonstrations of grief, while displaying his wounds to the populace. At daybreak on the following day a still larger crowd of people of the same class poured in, and several persons of distinction were crushed to death, amongst others a senator named C. Vibienus[24]. I may mention that the house of Clodius was on the Palatine Hill, and had been purchased by him from M. Scaurus a few months before. Two tribunes of the plebs, Munatius Plancus, brother of the orator L. Plancus[25], and Q. Pompeius Rufus[26], Sulla's grandson by his daughter, hastened thither; at their instigation the mob conveyed the body to the Forum, and exposed it on the Rostra, naked and bedabbled with mud[27], just as it had lain upon the bed, that the wounds might be seen. A meeting took place, at which Plancus and Pompeius, who took the part of Scipio and Hypsaeus, heaped odium on Milo. The people, headed by a clerk[28] named Sextus Clodius, then carried the corpse into the Senate-house[29], and burnt it with benches,

(chap. 10) leaves the impression that he could not venture to be more particular without injury to his cause.

[23] The same unamiable lady who afterwards, as the wife of M. Antonius the triumvir, is said to have pierced the tongue of Cicero with a needle, when his head was exposed to public view.

[24] See chap. 14. § 37.

[25] L. Munatius Plancus took an active part in the civil war on the side of Caesar; he was one of Cicero's correspondents (see *ad Fam.* x. 1—24); and Horace addressed to him the ode (I. 7) commencing 'Laudabunt alii, &c.' Nothing is known of him as an orator.

[26] Q. Pompeius Rufus, son of Cornelia, the daughter of Sulla, was afterwards impeached *de vi* by Caelius, and condemned.

[27] *lutatum*. The reading here is uncertain. Orelli marks *caldatum* as corrupt, and proposes *calcatum* = *oblitum cruore et luto* in the speech, § 86. *Lutatum* has been adopted by Frotscher and Halm.

[28] *scriba*. He was probably descended from a freedman of the Claudian house. Clodius had employed him when tribune in drawing up the laws which he proposed. Comp. speech, § 33. He was afterwards brought to trial and condemned.

[29] Comp. App. *B.C.* II. 21: *ἁρπάσαντες δ' αὐτὸ (τὸ σῶμα) τῶν τε δημάρχων ἔνιοι καὶ οἱ φίλοι τοῦ Κλωδίου καὶ πλῆθος ἄλλο σὺν ἐκείνοις ἐς τὸ βουλευτήριον ἐκόμισαν, εἴτε ἐπὶ τιμῇ, βουλευτικοῦ γένους ὄντα, εἴτε εἰς ὄνειδος τῆς βουλῆς τοιάδε περιορώσης.* See notes on chap. 33. § 90.

tables, desks, and manuscripts from the booksellers' stalls; by which means the Senate-house itself was set on fire, together with the Porcian Basilica[30] next door to it. The same mob proceeded to attack the house of the Interrex M. Lepidus[31] (who had been appointed a superior magistrate), and also that of Milo[32], in his absence; from the latter, however, they were repulsed with arrows. Thereupon they carried off the fasces from the couch of Libitina, and took them to the house of Scipio and Hypsaeus first, and then to the gardens of Cn. Pompeius, shouting out his name as they went along, sometimes as consul, sometimes as dictator.

4 The burning of the Senate-house excited public indignation still more strongly than the fate of Clodius. Reassured by the odium thus cast upon his adversaries, Milo, who, though generally thought to have gone into voluntary exile, had returned to Rome the very night on which the Senate-house was set on fire, was now proceeding with his canvass as actively as ever[33], openly distributing 1000 *ases* (more than £2 of English money) apiece to the voters of each tribe[34]. A few days afterwards the tribune Caelius[35] gave Milo an opportunity of addressing the people, and spoke himself in vindication of his conduct, both of them asserting that Milo was waylaid by Clodius[36].

[30] So called from the censor M. Porcius Cato. Liv. XXXIX. 44.

[31] M. Aemilius Lepidus, who afterwards became a triumvir. He had refused to hold the comitia for the election of consuls, on the ground that it was not usual for the first Interrex to do so; which gave offence to the Clodian mob. 'Domum eius per omnes interregni dies...obsederunt. Deinde, omni vi ianua expugnata, et imagines maiorum deiecerunt, et lectulum adversum uxoris eius Corneliae...fregerunt, itemque telas quae ex vetere more in atrio texebantur diruerunt; postque supervenit Milonis manus et ipsa postulans comitia; cuius adventus fuit saluti Lepido; in se enim conversae sunt factiones inimicae.' Asconius, notes on chap. V. § 13.

[32] *ὥστε προσέτι καὶ τὴν οἰκίαν τὴν τοῦ Μίλωνος καταφλέξαι ἐπιχειρῆσαι· ἐκείνη μενοῦν, πολλῶν αὐτῇ ἀμυνομένων, οὐκ ἐκαύθη.* Dion Cass. XL. 49.

[33] According to Dion Cassius, Milo had at first concealed himself, but was afterwards emboldened to proceed with his canvass: *ὁ δὲ δὴ Μίλων, τέως μὲν περίφοβος ἐπὶ τῷ φόνῳ ὤν, ἐκρύπτετο, οὐχ ὑπὸ ἰδιωτῶν μόνον ἀλλὰ καὶ ἱππέων βουλευτῶν τε τινῶν φρουρούμενον· ἐπεὶ δὲ τοῦτό τε* (the burning of the Senate-house) *ἐγένετο καὶ τὴν ὀργὴν τῆς γερουσίας ἐς τὸ τῶν ἀντιστασιωτῶν μίασμα περιχωρήσειν ἤλπισε...προῄει τε ἐς μέσον, καὶ τῆς ἀρχῆς ὁμοίως ἢ καὶ μᾶλλον ἀντεποιεῖτο:* (XL. 49.)

[34] *tributim.* Such largesses were usually distributed among the tribes by officers called *curatores tribuum.* Halm.

[35] See speech, § 91. Appian says that Caelius had himself been bribed by Milo: *τῶν δημάρχων Μάρκον Καίλιον πριάμενος.*

[36] Comp. App. II. 22: *καὶ αὐτὸν* (Milo) *ὁ Καίλιος εὐθὺς ἐσιόντα εἷλκεν ἐς τὴν ἀγορὰν ἐπὶ τοὺς παρ' αὐτοῦ*

5 Meanwhile fresh Interreges were succeeding one another, all of whom were unable to proceed to the election of consuls, on account of the disturbances excited by the candidates and the bodies of armed men that were still kept on foot. The Senate therefore passed a resolution that the Interrex for the time being and the tribunes of the plebs, together with Pompeius, who as proconsul was outside the city[37], should take such steps as might be necessary for the safety of the commonwealth[38]; it was further ordered that Pompeius should be empowered to raise new levies throughout the whole of Italy[39]. He in a very short time collected a sufficient force for the protection of the city. Soon afterwards, two youths, both of them named Appius Claudius, the sons of Caius Claudius brother of Publius[40], being desirous that their uncle's death should be investigated, and acting as if it were their father's wish, applied to Pompeius for a summons requiring the production of the households of Milo and his wife Fausta, for examination by torture. The same two establishments of slaves were called for by two of the Valerii, named Nepos and Leo, and also

δεδωροδοκηκότας, ὥσπερ ἐπ' ἐκκλησίαν, ὑποκρινόμενος μὲν ἀγανακτεῖν καὶ οὐ διδόναι τῆς δίκης ἀναβολήν, ἐλπίζων δέ, εἰ αὐτὸν οἱ πάροντες μεθεῖεν, ἐκλύσειν τὴν δίκην τὴν ἀληθεστέραν. Καὶ Μίλων μὲν οὐ βουλεῦσαι τὸ ἔργον εἰπὼν (οὐ γὰρ ἂν μετὰ σκευῆς καὶ γυναικὸς ἐπὶ ταῦτα ὁρμῆσαι) τὸν λοιπὸν λόγον κατὰ τοῦ Κλωδίου διετίθετο, ὡς θρασυτάτου δὴ καὶ φίλου θρασυτάτων, οἱ καὶ τὸ βουλευτήριον ἐπικατέπρησαν αὐτῷ. Ἔτι δ' αὐτοῦ λέγοντος, οἵ τε λοιποὶ δήμαρχοι καὶ τοῦ δήμου τὸ ἀδιάφθορον ἐνέβαλλον ἐς τὴν ἀγοράν. Καίλιος μὲν δὴ καὶ Μίλων δούλων ἐσθῆτας ὑποδύντες ἀπέδρασαν· πολὺς δὲ τῶν ἄλλων ἐγίγνετο φόνος, οὐ τοὺς Μίλωνος ἔτι φίλους ἐρευνώντων, ἀλλὰ τὸν ἐντυχόντα ἀναιρούντων ἀστὸν ὁμοῦ καὶ ξένον, καὶ μάλιστα ὅσοι ταῖς ἐσθῆσιν ἢ σφραγῖσιν ἀπὸ χρυσοῦ διέφερον...ἔργον τε οὐδὲν αὐτοῖς ἀπῆν, ἀλλὰ καὶ ἐπ' οἰκίας ἐφέροντο, καὶ περιϊόντες ἠρεύνων, ἔργῳ μὲν τὰ εὐληπτὰ σφίσιν ἅπαντα, λόγῳ δὲ τοὺς φίλους τοῦ Μίλωνος· πρόφασίς τε ἦν αὐτοῖς ἐπὶ πολλὰς ἡμέρας καὶ πυρὸς καὶ λίθων καὶ παντὸς ἔργου Μίλων.

[37] A proconsul could not exercise his military power (*imperium*) within the boundaries of the city. No comitia were required for his appointment, but he was nominated by a decree of the Senate and people. Pompeius was proconsul of Spain.

[38] *ut viderent ne quid detrimenti res publica caperet.* This was equivalent to proclaiming martial law, and investing them with dictatorial authority. See speech, § 70, and comp. Dionys. Hal. V. 73.

[39] Comp. Dion Cass. XL. 49: *μάχαι τε οὖν ἐκ τούτου πολλαὶ καὶ σφαγαὶ αὖθις ἐγίγνοντο· ὥστε τὴν βουλὴν...τὸν Πομπήϊον μεταπέμψασθαι. καταλόγους τε αὐτῷ καινοὺς ποιήσασθαι ἐπιτρέψαι, καὶ τὰ ἐσθήματα ἀλλάξασθαι. Ἐλθόντος τε αὐτοῦ οὐ πολλῷ ὕστερον, ἔξω τε τοῦ Πωμηρίου πρὸς τῷ θεάτρῳ αὐτῷ σὺν φρουρᾷ ἤθροισαν, καὶ τὰ τοῦ Κλωδίου ὀστᾶ ἀνελέσθαι ἔγνωσαν· τό τε βουλευτήριον τῷ Φαύστῳ τῷ τοῦ Σύλλου υἱῷ ἀνοικοδομῆσαι προσέταξαν.*

[40] Caius Clodius was older than Publius; for the latter is called *minimus frater* in the speech *pro Caelio*, c. 15.

by L. Herennius Balbus. The households of Clodius and his two companions were at the same time demanded by Caelius; and those of Hypsaeus and Q. Pompeius by [his colleague Cumanus?].

The counsel for Milo were Q. Hortensius, M. Cicero, M. Marcellus, M. Calidius, M. Cato[41], and Faustus Sulla. Hortensius made a brief reply, in which he stated that the persons demanded to be given up as slaves were free, Milo having given them their liberty immediately afterwards, on the ground that they had fought in his defence and saved his life.

6 These proceedings took place in the intercalary month[42]. About thirty days after Clodius was killed, Q. Metellus Scipio made a complaint against M. Caepio in the Senate, denying the truth of the assertion that Milo was obliged to act as he did towards Clodius in self-defence. His account of the matter was, that Clodius went from Rome with six-and-twenty slaves for the purpose of having an interview with the councillors of Aricia; that about nine o'clock in the morning, as soon as the Senate rose, Milo set out with the determination of meeting Clodius on his return, accompanied by more than three hundred armed slaves, and made an unexpected attack on him above Bovillae; that Clodius, having received three wounds, was carried to Bovillae; that the tavern in which he took refuge was broken into by Milo, and Clodius dragged out more dead than alive, and killed on the Appian Road, his ring being taken from his finger, when dying; that afterwards Milo, who knew that Clodius had a young son on his Alban estate, came to the villa, and finding that the boy had been taken away before he could get at him, put a slave named Alicor to such excruciating tortures, that he was literally hacked to pieces: he then cut the throats of the bailiff and two others. Of the slaves of Clodius who defended their master, eleven had been killed, while only two of Milo's had been wounded; that consequently Milo had next day emancipated twelve of them who had been most of service to him, and distributed 1000 *ases* a man among the tribes, to counteract

[41] Comp. Vell. Paterc. II. 47: 'Milonem M. Cato palam lata absolvit sententia; quam si maturius tulisset, non defuissent qui sequerentur exemplum, probarentque eum civem occisum quo nemo perniciosior reipublicae neque bonis inimicior vixerat.'

[42] A short month, called *Mercedonius*, or more generally, *mensis intercalaris*, consisting of 22 or 23 days, was intercalated at this time in alternate years after the 23rd of February; the five remaining days of February were then added to this month, which thus consisted of 27 or 28 days. Comp. notes on speech, § 98.

reports that had been spread about himself. It was also said that Milo sent a message to Pompeius, who was a strong supporter of Hypsaeus his former quæstor, expressing his willingness (if Pompeius wished it) to retire from the contest for the consulate. The reply was, that Pompeius could not give advice to anybody on the subject either of commencing or desisting from a canvass, nor had he any wish to interfere with the powers, deliberations, or decisions of the Roman people. He was even said to have sent a communication afterwards through C. Lucilius, one of Milo's friends on account of Cicero's intimacy with Lucilius, requesting Milo not to bring him into difficulty by consulting him upon this subject.

7 A rumour was now daily gathering strength that Pompeius was to be dictator, and that the disorders in the state could not be properly repressed by any other means. The nobles thought it best, however, to appoint him sole consul; and accordingly, after some debate upon the subject in the Senate, he was created consul on the twenty-fifth of February (intercalary month [43]), by the Interrex Servius Sulpicius, according to a decree of the Senate moved by M. Bibulus[44]. He immediately entered on his office, and three days afterwards proposed the enactment of some new laws, two of which he published on the authority of a decree of the Senate; one against breaches of the public peace (*de vi*), amongst which he expressly included the case of bloodshed on the Appian Road, the burning of the Senate-house, and the attack on the house of the Interrex M. Lepidus; the other against corrupt practices at elections (*de ambitu*). The penalty for these offences was made more severe, and the forms of proceedings abridged; for both the laws enacted that three days should be allowed for the previous examination of the witnesses and that then both the accuser and the accused should close their pleadings on the same day, two hours being allowed to the accuser, and three to the accused[45]. The tribune Caelius attempted, on the part of

[43] See note above.

[44] Comp. Dion Cass. XL. 50: *οἵ τε ἄλλοι βουλευταὶ καὶ Βίβουλος, ὅσπερ που τὴν γνώμην πρῶτος ἐρωτηθεὶς ποιήσεσθαι ἔμελλε, προκατέλαβον τὴν τοῦ πλήθους ὁρμὴν, τῷ Πομπηΐῳ τὴν ὑπατείαν, ὥστε μὴ δικτάτωρα αὐτὸν λεχθῆναι, καὶ μόνῳ γε, ἵνα μὴ ὁ Καῖσαρ αὐτῷ συνάρξῃ, δόντες.* Appian says that the Senate acted on the advice of Cato in appointing Pompeius sole consul (II. 23). This difference may however be reconciled by the statement of Plutarch, that the motion of Bibulus was strongly seconded by Cato. (*Pompeius*, c. 54.)

[45] Tacitus affirms that this law was one of the causes that contri-

Milo, to oppose these measures on the ground that they were aimed at Milo personally[46], and that the trials were being unduly hastened. His persevering attacks upon them made Pompeius so indignant that he even threatened to use force, if he were compelled to do so, for the safety of the state.

8 Pompeius was, or pretended to be, afraid of Milo: he quitted his usual residence, and retired to his gardens on the higher grounds, round which a large body of soldiers were on guard. He had also upon one occasion [suddenly dismissed[47]?] a meeting of the Senate, because he said he was afraid of Milo coming[48]. At the

buted to the decline of Roman eloquence: 'transeo ad formam et consuetudinem veterum iudiciorum; quae etsi nunc aptior est veritati, eloquentiam tamen illud forum magis exercebat, in quo nemo intra paucissimas horas perorare cogebatur, et liberae comperendinationes erant, et modum dicendi sibi quisque sumebat, et numerus neque dierum neque patronorum finiebatur. Primus haec tertio consulatu Gnaeus Pompeius astrinxit, imposuitque veluti frenos eloquentiae.' *De Orat.* c. 38.

[46] *privilegium in Milonem ferri.* A law specially framed to meet the case of a particular individual was called *Privilegium*, and was forbidden by the Laws of the Twelve Tables. Comp. *pro Domo*, c. 16: 'quo exemplo legem nominatim de capite civis indemnati tulisti? Vetant leges sacratae, vetant XII. Tabulae leges privis hominibus irrogari; id est enim privilegium.' See also *de Legg.* III. 4.

[47] The text is mutilated here. Some propose to fill up the gap with the words *repente dimiserat;* others insert *in porticu sua habuerat.*

[48] Asconius adds the following particulars in his note on chap. 25. § 67: 'diximus in argumento orationis huius Cn. Pompeium simulasse se timere, seu plane timuisse Milonem, et ideo ne domi quidem suae sed in hortis superioribus ante iudicium mansisse, ita ut villam quoque praesidio militum circumdaret. Q. Pompeius, tribunus plebis, qui fuerat familiarissimus omnium P. Clodio et sectam sequi se palam profitebatur, dixerat in concione paucis post diebus quam Clodius erat occisus: '*Milo dedit quem in Curia cremaretis; dabo quem in Capitolio sepeliatis.*' In eadem concione idem dixerat (habuit enim eam *a. d.* VII. Kal. Feb. quum Milo pridie, id est, VIII. Kal. Feb. venire ad Pompeium in eius hortos voluisset) Pompeius ei per hominem propinquum misisset, ne ad se veniret. Prius etiam quam Pompeius tertium consul crearetur, tres tribuni, Q. Pompeius Rufus, C. Sallustius Crispus, T. Munatius Plancus, quum quotidianis concionibus suis magnam invidiam Miloni propter Clodium excitarent, produxerant ad populum Cn. Pompeium, et ab eo quaesierant num ad eum delatum esset illud quoque indicium, suae vitae insidiari Milonem. Responderat Pompeius Licinium quendam de plebe sacrificulum, qui solitus esset familias purgare, ad se detulisse, servos quosdam Milonis itemque libertos comparatos esse ad caedem suam; nomina quoque servorum edidisse; ad Milonem misisse, ut eos in potestate sua haberet; a Milone responsum esse, ex iis servis quos nominasset partim neminem se unquam habuisse, partim manumisisse. Deinde quum Licinium apud se haberet, Lucium quendam de plebe ad corrumpendum iudicem venisse, qua re cognita, in vincula eum publica a se coniectum. Decreverat enim senatus ut cum interrege et tribunis plebis Pompeius daret operam ne quid respublica detri-

next meeting P. Cornificius[49] affirmed that Milo had a weapon attached to his thigh beneath his tunic, and called on him to bare his thigh. Milo lifted up his tunic without hesitation; whereupon Cicero exclaimed that this was only a sample of all the other charges falsely brought against his friend. The tribune Munatius Plancus afterwards brought forward a person named M. Aemilius Philemon, well known as a freedman of M. Lepidus, before a public meeting. His story was, that he and four other freemen besides himself, as they were travelling, came up to the spot where Clodius was being killed, and that on their calling out for help in consequence, they were seized and taken off to Milo's villa, and kept there in confinement for two months. This report, whether true or false, had done much injury to Milo. The same Plancus and his colleague Q. Pompeius had brought forward a Capital Triumvir[50] on the Rostra, and questioned him whether he had detected one of Milo's slaves named Galata committing murder. He replied that the slave had been caught asleep in the tavern as a runaway, and brought into his court. The tribunes, notwithstanding, warned the Triumvir not to discharge the slave; on the next day, however, the tribunes Caelius and Cumanus took him by force from the house of the Triumvir, and gave him back to Milo. Having met with these charges, I have thought it right to mention them, though not alluded to by Cicero. The tribunes Q. Pompeius, C. Sallustius, and Munatius Plancus, were among the foremost in exciting ill-will against Milo by their inflammatory speeches. Cicero also was attacked in the same manner, as Milo's zealous partizan; and indeed so unpopular with the masses was his advocacy of the latter, that they regarded him with quite as much aversion as his client. Pompeius and Sallustius were afterwards suspected of a reconciliation with Cicero and Milo. Plancus however continued their most bitter adversary, instigating the populace against the orator, and exciting

menti caperet. Ob has suspiciones Pompeius in superioribus hortis se continuerat, deinde, ex senatus consulto delectu per Italiam habito quum redisset, venientem ad se Milonem unum omnium non admiserat. Item quum senatus in porticu Pompeii haberetur, ut Pompeius posset interesse, unum tum excuti prius quam in senatum intraret, iusserat.'

49 See chap. 24. § 66.

50 The functions of the *Triumviri Capitales* were somewhat similar to those of the Eleven (οἱ ἕνδεκα) at Athens. They were empowered to receive informations respecting capital offences and inquire into them, to commit to prison all detected criminals, to preserve the public peace, and to inflict summary punishment on slaves and other persons of low rank. For further particulars respecting them see *Dict. of Antiq.* art. *Triumviri Capitales.*

suspicions in Pompeius against Milo, by loudly asserting that a conspiracy was on foot for his destruction. Pompeius now made frequent complaints in public that his own life was in danger, and consequently increased his body-guard. Plancus made a show of bringing Cicero also to trial, and the threat was afterwards repeated by Q. Pompeius Rufus. So great however was the firmness and honesty of purpose shewn on this occasion by the orator, that neither his unpopularity, nor the suspicions of Pompeius, nor the fear of future danger to himself, if he should be publicly impeached, nor the force which was now openly employed against his client, could deter him from defending Milo; although, if he had been a little less earnest in his advocacy, he might not only have entirely saved himself from personal risk and the hostility of an unfriendly populace, but also have regained the favour of Pompeius.

9 As soon as the law of Pompeius was passed, Comitia were held, in which L. Domitius Aenobarbus was appointed chief commissioner (*quaesitor*) for the ensuing trials, in accordance with one of its provisions that such an officer should be elected by popular suffrage from the number of those who had been consuls. The panel of [360] judges also proposed by Pompeius, was such, that certainly there never had been an occasion on which men more distinguished or more scrupulously upright had been named as judges. Immediately afterwards, Milo was put upon his trial under the new act by the same two youths by whom his household was before demanded; he was also prosecuted by the Appii, C. Cetheius, and L. Cornificius, for corrupt practices; and lastly, for wholesale bribery (*de sodalitiis*[51]) by P. Fulvius Neratus. But though he was charged with wholesale bribery and corruption, it was hoped that if, as seemed certain, he were first tried for breaches of the peace, and (as was confidently anticipated) were condemned, he would not answer to the other counts. A previous inquiry for deciding who should be the principal accuser (*divinatio*[52]) in the trial for corruption was held before a chief commissioner, named A. Torquatus; and both the commissioners, Torquatus and Domitius, ordered Milo to appear at the preliminary process on the fourth of April. On that day he pre-

[51] *Ambitus* was the general term for *improper canvassing:* the Lex Licinia *de sodalitiis* was against associations for the wholesale bribery of a tribe by treating or otherwise: see Cic. *pro Plancio*, c. 15.

[52] This was a law-term for the process by which, when two or more accusers came forward against one person, it was judicially decided which of them should be the principal accuser; the charges brought by him were then attested by the signatures of the others, who were hence called *subscriptores*. See the Introduction of Asconius to Cicero's *Divinatio in Caecilium*.

sented himself in person at the tribunal of Domitius, and sent his friends to appear for him at that of Torquatus; in the latter court, M. Marcellus was successful in an application made on his behalf, that he should not be called upon to plead in the trial for corruption, before the other for breaches of the peace had been brought to a conclusion. In the court of Domitius the elder Appius demanded of Milo the production of fifty-four slaves; Milo replied that the slaves who had been specified were their own masters; whereupon Domitius took the opinion of the judges, and decided that the accuser should name as many as he pleased out of the number of slaves before mentioned. The witnesses were then called, in accordance with the new enactment, which, as I have already said, required that the hearing of witnesses should precede the pleadings for three days, and that the judges should authenticate (*confirmarent*[53]) the depositions. It also required that on the fourth day all parties should be ordered to attend upon the following day, and that the balls (*pilae*[54]) on which the names of the judges were inscribed should be balanced (*aequarentur*[55]) in the presence of the accuser and the accused. The allotment of the judges was then to be repeated next day, up to the number of eighty-one, and when this number had been drawn, the judges so elected were to take their seats upon the bench immediately; the accuser was then to be allowed two hours for speaking, and the accused three, and on the same day the verdict was to be pronounced: but before the judges gave their votes, the prosecutor and defendant were each of them to reject five out of each of the three classes, so that the number of the judges that actually voted might be reduced to fifty-one.

[53] Another reading is *consignarent.* Comp. note of Asconius on the speech, ch. 26. § 71: 'post audita et obsignata testium verba, dimissosque interim iudices.'

[54] Comp. Propert. IV. 11. 20:

Aut si quis posita iudex sedet Aeacus urna,
In mea sortita vindicet ossa pilae.

The *pila* must not be confounded with the *tabella;* the former was used in balloting for the judges *before* the trial, the balls being put into a box called *urna* or *sitella*, which was full of water (hence termed ὑδρία by the Greeks); as this vessel was broad-bottomed, but had a narrow neck, only one ball at a time could rise to the surface of the water, when it was shaken: the *tabella*, on the contrary, was the ticket with which the judges gave their verdict *after* the trial.

[55] This was done by shaking the vessel containing the balls, in order to ascertain whether any of them were lighter than the rest, and so prevent unfairness. Comp. Plaut. *Cas.* II. 6. 34:

Coniicite sortes nunc iam ambo huc.—Eccere!
Uxor, aequa. OL. Noli uxori credere.

See also Cic. *pro Cornelio* Fragm. p. 1292. § 13, ed. *Nobbe:* 'dum tabellae diribentur; dum sitella defertur; dum aequantur sortes; dum sortitio fit.'

10 Causinius Scola gave evidence against Milo on the first day of the trial; he deposed that he was with Clodius when he was killed, and heightened the atrocity of the offence as much as possible. As soon as M. Marcellus had begun to cross-question the witness, the Clodian mob by whom he was surrounded made such an uproar, that he became alarmed for his safety, and was admitted by Domitius on the bench (*tribunal*[56]). Marcellus and Milo himself now appealed to Domitius for protection. Cn. Pompeius, who was then sitting at the Treasury, and had himself been made uneasy by the disturbances which had taken place, made a promise to Domitius that he would come down with a military escort on the following day. Accordingly, when he appeared, the Clodians were so daunted, that they did not interrupt the examination of the witnesses during the two remaining days[57]. The witnesses were cross-questioned by Marcellus, Cicero, and Milo himself. Several of the inhabitants of Bovillae gave their testimony as to the facts which had occurred in their neighbourhood, deposing to the murder of the tavern-keeper, the assault upon the tavern, and the dragging of Clodius out into the highway. Some Vestals of Alba[58] also said that a woman unknown to them had come for the purpose of fulfilling a vow, at the request of Milo, in consequence of the death of Clodius. The last witnesses were Sempronia[59], the daughter of Tuditanus and mother-in-law of Clodius, and his wife Fulvia, who produced a great sensation amongst the bystanders by their sobbing. After the court broke up at about four o'clock in the afternoon, Munatius Plancus harangued the

[56] *tribunal.* The platform on which the judges sat was crescent-shaped, the chair of the presiding judge being in the centre; the two extremities of the semicircle (called *cornua*) were usually occupied by persons of distinction who were present at the trial. See Tac. *Ann.* I. 75.

[57] Comp. however Dion Cassius, who states (XL. 53) that a disturbance took place after the troops had been introduced into the Forum, in which some persons lost their lives: *ὁ γὰρ Πομπήϊος τήν τε ἄλλην πόλιν διὰ φυλακῆς ἐποιήσατο, καὶ ἐς τὸ δικαστήριον σὺν ὁπλίταις ἐσῆλθε· θορυβησάντων τε ἐπὶ τούτῳ τινῶν, προσέταξε τοῖς στρατιώταις ἐκδιῶξαι αὐτοὺς ἐκ τῆς ἀγορᾶς, πλαγίοις καὶ πλατέσι τοῖς ξίφεσι παίοντας· ἐπειδή τε οὐχ ὑπεῖκον, ἀλλὰ καὶ καθάπερ εἰ παιδιᾷ τινὶ πλαγιαζόμενοι ὕβριζον, καὶ ἐτρώθησαν τινὲς αὐτῶν, καὶ ἀπέθανον.*

[58] The vestal virgins were permitted by the Roman law to give their evidence unsworn (Gaius, I. 145; comp. Plin. *H. N.* XXXIV. 11). Compare § 85 of the speech.

[59] Thought by Orelli to be the wife of D. Junius Brutus, who is mentioned by Sallust as implicated in Catilina's conspiracy, *Catil.* c. 25, 40. Her father, Sempronius Tuditanus, is thus described by Cicero: 'Tuditanus ille qui cum palla et cothurnis nummos populo de Rostris spargere solebat.' *Philipp.* III. 6. Comp. also *Acad.* II. 28: 'quid loquar de insanis? qualis tandem fuit affinis tuus, Catule, Tuditanus.'

people at a meeting, urging them to be present in large numbers on the following day, and not suffer Milo to get off, but make their own verdict on the case and their sympathy for Clodius apparent to the judges when proceeding to the vote. Next day, which was the eleventh of April [? the eighth; §§ 1, 98], the shops were closed throughout the city; Pompeius stationed guards in the Forum and its approaches, and took his seat himself, as he had done the day before, in front of the Treasury, with a body-guard of picked men. The choice of the judges by lot then took place very early in the day, after which as great a stillness prevailed throughout the Forum as was possible in any Forum under such circumstances. Before eight o'clock in the morning, the elder Appius, Marcus Antonius and P. Valerius Nepos, commenced speaking for the prosecution, and consumed the two hours allowed them by the law. The reply on the part of the defendant was made by Cicero alone. Some persons were of opinion that the line of defence proper to be taken in the present instance was, that in killing Clodius Milo had proved himself a benefactor to the commonwealth; and this was the line actually adopted by M. Brutus in a defence of Milo which he wrote and published, as though it had been really delivered. Cicero, however, did not take this view, because though it might be for the public interest that a man should be condemned to death, it did not follow that for the same reason he might be killed uncondemned. As therefore the accusers had proceeded on the ground that Clodius was waylaid by Milo, (which was false, the quarrel having accidentally arisen,) Cicero, taking advantage of their untenable position, undertook to prove that Milo, on the contrary, had been waylaid by Clodius; and this is the gist of his whole speech. That point, however, being as incapable of proof as the other, it then became evident, as I have said, that neither party had any intention of fighting on that day, but that the encounter was a casual one, the squabble between the slaves having led eventually to the bloodshed which ensued. It was, nevertheless, quite notorious that each of them had frequently threatened the life of the other; and while the largeness of his retinue was a suspicious circumstance in Milo's case, the followers of Clodius, on the other hand, were in better trim for fighting. As Cicero was beginning to speak, he was received with loud shouts from the Clodian party, who could not be restrained even by fear of the surrounding troops. The consequence was that he did not speak with his accustomed

composure[60]. The speech as it was taken down still remains[61]; the present one having been written afterwards, and finished with such care, that it may claim to be regarded as the first[62].

[60] Comp. Dion Cass. XL. 54: *ὁ ῥήτωρ τόν τε Πομπήϊον καὶ τοὺς στρατιώτας ἐν τῷ δικαστηρίῳ παρὰ τὸ καθεστηκὸς ἰδὼν ἐξεπλάγη καὶ κατέδεισεν, ὥστε τῶν μὲν παρεσκευασμένων μηδὲν εἰπεῖν, βραχὺ δέ τι καὶ τεθνηκὸς χαλεπῶς φθεγξάμενον ἀγαπητῶς μεταστῆναι.*

[61] The original speech is now no longer extant, with the exception, perhaps, of a sentence or two cited by Quintilian. The author of the Scholia Bobiensia says that it was extant in his time: 'Existit alius praeterea liber actorum pro Milone, in quo omnia interrupta et impolita et rudia, plena denique maximi terroris agnoscas.'

[62] Comp. Dion Cass. XL. 54: *τοῦτον γὰρ τὸν νῦν φερόμενον ὡς καὶ ὑπὲρ τοῦ Μίλωνος τότε λεχθέντα χρόνῳ ποθ' ὕστερον καὶ κατὰ σχολὴν ἀναθαρσήσας ἔγραψε.* He then relates the story that when Cicero sent the improved edition of his speech to Milo in exile, the latter in reply remarked how fortunate it was that such a speech had never actually been delivered, since, in that case, he should not have been enjoying such delicious mullets at Massilia (Marseilles). Dion adds, that the jest was not so much intended to express his contentment with his present lot, as to convey a sharp rebuke to Cicero for his ill-timed display of oratorical abilities, when Milo could no longer profit by them.

Milo was condemned, the votes of the judges being divided as follows:—for his condemnation, 12 Senators, 13 Equites, and 13 Tribuni Aerarii; for his acquittal, 6 Senators, 4 Equites, and 3 Tribuni Aerarii. (Asconius, notes on chap. 35 of the speech.) Asconius adds that the judges appear to have been aware that Clodius was wounded in the first instance without the knowledge of Milo, but were of opinion that he was killed by Milo's order afterwards. In consequence of this decision, Milo went into exile at Massilia, and his houses both in Rome and in the country were sold by auction, together with his bands of gladiators. In B.C. 49 he was disappointed in his hopes of being allowed by Caesar to return with other exiles to Rome; and his former ally, Caelius, having been ejected in the following year from his prætorship by the Senate for proposing some revolutionary measures, invited him to Italy for the purpose of joining in an insurrection against Caesar. Here Milo took the lead of some surviving remnants of his former gladiators, and a motley crew of shepherds, convicts, and deserters, with whom he entered Campania in the character of a legate of Cnaeus Pompeius. Finding no encouragement there, and being defeated before Capua, he retreated to Lucania, and attacked a place named Cosa (or Compsa), in the district of Thurii, a stone from the walls of which put an end to his career in B.C. 48. See Caesar, *de Bello Civ.* III. c. 21, 22; Dion Cass. XLII. 23—25. Velleius Paterculus (II. 68) thus speaks of his death: 'Compsam in Hirpinis oppugnans ictusque lapide, tum P. Clodio, tum patriae quam armis petebat, poenas dedit, vir inquies et ultra sortem temerarius.'

MARCI TULLII CICERONIS

ORATIO

PRO TITO ANNIO MILONE.

Introductory Remarks. Ch. 1, 2. I must own that the troops by whom we are surrounded cause me some alarm, however unsuitable such a feeling may seem to the present occasion.

I ETSI vereor, iudices, ne turpe sit pro fortissimo 1
viro dicere incipientem timere, minimeque deceat, quum T. Annius ipse magis de rei publicae salute quam de sua perturbetur, me ad eius causam parem animi magnitudinem adferre non posse, tamen haec novi iudicii nova forma terret oculos, qui, quocumque inciderunt, veterem consuetudinem fori et pristinum morem iudiciorum requirunt. Non 2
enim corona consessus vester cinctus est, ut solebat; non usitata frequentia stipati sumus: non illa praesidia quae pro templis omnibus cernitis, etsi contra vim collocata sunt, non adferunt tamen oratori aliquid; ut in foro et in iudicio, quamquam praesidiis salutaribus et necessariis saepti sumus, tamen ne non timere quidem sine aliquo timore possimus. Quae si opposita Miloni putarem, cederem tempori, iudices, nec inter tantam vim armorum existimarem esse oratori locum. Sed me recreat et reficit Cn. Pompei sapientissimi et iustissimi viri consilium, qui profecto nec iustitiae suae putaret esse, quem reum sententiis iudicum tradidisset, eundem telis militum dedere, nec sapientiae, temeritatem concitatae multitudinis auctoritate publica armare. Quam ob rem illa arma cen- 3
turiones cohortes non periculum nobis sed praesidium denuntiant,

Indeed, if I thought they menaced the safety of Milo, I should at once retire: but I am reassured by the presence of Pompeius and so many citizens who have the success of our cause at heart.

neque solum ut quieto sed etiam ut magno animo simus hortantur; neque auxilium modo defensioni meae verum etiam silentium pollicentur. Reliqua vero multitudo, quae quidem est civium, tota nostra est; neque eorum quisquam quos undique intuentes, unde aliqua pars fori adspici potest, et huius exitum iudicii exspectantes videtis, non quum virtuti Milonis favet, tum de se, de liberis suis, de patria, de fortunis

The Clodian faction is indeed opposed to us; but their clamour should only urge you the more to save him who has done his duty to the state in spite of them.

2 hodierno die decertari putat. Unum genus est adversum infestumque nobis, eorum quos P. Clodii furor rapinis et incendiis et omnibus exitiis publicis pavit; qui hesterna etiam contione incitati sunt ut vobis voce praeirent quid iudicaretis: quorum clamor si qui forte fuerit, admonere vos debebit ut eum civem retineatis qui semper genus illud hominum clamoresque maximos prae vestra salute neglexit.

Quam ob rem adeste animis, iudices, et timorem si quem 4
habetis deponite: nam si umquam de bonis et fortibus viris, si umquam de bene meritis civibus potestas vobis iudicandi fuit, si denique umquam locus amplissimorum ordinum delectis viris datus est, ubi sua studia erga fortes et bonos cives, quae vultu et verbis saepe significassent, re et sententiis declararent, hoc profecto tempore eam potestatem omnem vos habetis, ut statuatis utrum nos, qui semper vestrae auctoritati dediti fuimus, semper miseri lugeamus, an diu vexati a perditissimis civibus aliquando per vos ac per vestram fidem virtutem sapientiamque

I ask you then to consider the anxious position in which we are placed, and to protect public virtue from base and unprincipled attacks.

recreemur. Quid enim nobis duobus, iudices, 5
laboriosius, quid magis sollicitum magis exercitum dici aut fingi potest? qui spe amplissimorum praemiorum ad rem publicam adducti, metu crudelissimorum exitiorum carere non possumus. Equidem ceteras tempestates et procellas in illis dumtaxat fluctibus contionum semper putavi Miloni esse subeundas, quod semper pro bonis contra improbos senserat; in iudicio vero et in eo consilio in quo ex cunctis ordinibus amplissimi viri iudicarent, numquam existimavi spem ullam esse habituros Milonis inimicos ad eius non salutem modo exstinguendam sed etiam gloriam per tales viros in-

Not that I intend to rest my defence of Milo on his past services to the state, but on the clearest proofs of Clodius' dark designs against his life.

fringendam. Quamquam in hac causa, iudices, 6
T. Annii tribunatu rebusque omnibus pro salute rei publicae gestis ad huius criminis defensionem non abutemur. Nisi oculis videritis insidias Miloni a Clodio factas, nec deprecaturi sumus ut crimen hoc nobis multa propter praeclara in rem publicam merita condonetis, nec postulaturi ut, si mors P. Clodii salus vestra fuerit, idcirco eam virtuti Milonis potius quam populi Romani felicitati adsignetis: sed si illius insidiae clariores hac luce fuerint, tum denique obsecrabo obtestaborque vos, iudices, si cetera amisimus, hoc saltem nobis ut relinquatur, ab inimicorum audacia telisque vitam ut impune liceat defendere.

3 Objections answered.

Let me however first clear the way by refuting certain objections.

Sed antequam ad eam orationem venio quae est 7
propria vestrae quaestionis, videntur ea esse refutanda quae et in senatu ab inimicis saepe iactata sunt et in contione ab improbis et paulo ante ab accusatoribus, ut omni errore sublato rem plane quae veniat in iudicium videre possitis. Negant intueri lucem esse fas ei qui a se hominem occisum esse fateatur.

Obj. 1. It is said that no one who pleads guilty to homicide deserves to live.

In qua tandem urbe hoc homines stultissimi disputant? nempe in ea quae primum iudicium de capite vidit M. Horatii fortissimi viri, qui nondum libera civitate tamen populi Romani comitiis liberatus est, quum sua manu sororem esse interfectam

Yet it has always been held that the defendant in trials for homicide may either deny the fact, or, admitting it, plead justification. And this latter plea has often been allowed in former times.

fateretur. An est quisquam qui hoc ignoret, 8
quum de homine occiso quaeratur, aut negari solere omnino esse factum, aut recte et iure factum esse defendi? Nisi vero existimatis dementem P. Africanum fuisse, qui quum a C. Carbone tribuno plebis in contione seditiose interrogaretur quid de Ti. Gracchi morte sentiret, responderit iure caesum videri. Neque enim posset aut Ahala ille Servilius aut P. Nasica aut L. Opimius aut C. Marius aut me consule senatus non nefarius haberi, si sceleratos cives interfici nefas esset. Itaque hoc, iudices, non sine causa etiam fictis fabulis doctissimi homines memoriae

prodiderunt, eum qui patris ulciscendi causa matrem necavisset, variatis hominum sententiis, non solum divina sed etiam sapientissimae deae sententia liberatum. Quod si duodecim 9
tabulae nocturnum furem quoquo modo, diurnum autem si se telo defenderet, interfici impune voluerunt, quis est qui, quoquo modo quis interfectus sit, puniendum putet, quum videat aliquando gladium nobis ad occidendum hominem ab
4 ipsis porrigi legibus? Atqui si tempus est ullum iure hominis necandi, quae multa sunt, certe illud est non modo iustum, verum etiam necessarium, quum vi vis illata defenditur. Pudicitiam quum eriperet militi tribunus militaris in exercitu C. Marii, propinquus eius imperatoris, interfectus ab eo est cui vim adferebat; facere enim probus adulescens periculose quam perpeti turpiter maluit: atque hunc ille summus vir scelere solutum periculo liberavit. Insidiatori vero et latroni quae potest inferri iniusta 10
nex? Quid comitatus nostri, quid gladii volunt? quos habere certe non liceret, si uti illis nullo pacto liceret. Est igitur haec, iudices, non scripta sed nata lex, quam non didicimus accepimus legimus, verum ex natura ipsa arripuimus hausimus expressimus; ad quam non docti sed facti, non instituti sed imbuti sumus, ut, si vita nostra in aliquas insidias, si in vim et in tela aut latronum aut inimicorum incidisset, omnis honesta ratio esset expediendae salutis. Silent enim leges inter arma, nec se exspectari iubent, quum ei qui exspectare velit ante iniusta poena luenda sit quam iusta repetenda. Etsi persapi- 11
enter et quodam modo tacite dat ipsa lex potestatem defendendi, quae non hominem occidi sed esse cum telo hominis occidendi causa vetat, ut, quum causa non telum quaereretur, qui sui defendendi causa telo esset usus, non hominis occidendi causa habuisse telum iudicaretur. Quapropter hoc maneat in causa, iudices: non enim dubito quin probaturus sim vobis defensionem meam, si id memineritis quod oblivisci non potestis, insidiatorem iure interfici posse.

And what justification can be more valid than that of self-defence?

a principle which is instinctive, and not based upon a written law.

Nay, the law even tacitly allows it, when it only forbids the carrying of weapons *with a murderous intent.*

5 Sequitur illud quod a Milonis inimicis saepissime 12

Obj. 2. It is urged that Milo's act has already been pronounced a state offence by the Senate.

dicitur, caedem in qua P. Clodius occisus est
senatum iudicasse contra rem publicam esse fac-
tam. Illam vero senatus non sententiis suis
solum sed etiam studiis comprobavit. Quotiens
enim est illa causa a nobis acta in senatu! quibus adsensio-
nibus universi ordinis, quam nec tacitis nec occultis! Quando
enim frequentissimo senatu quattuor aut summum quinque
sunt inventi qui Milonis causam non probarent? Declarant

Now it is well known that the Senate was nearly unanimous in its approval of the *act itself.*

huius ambusti tribuni plebis illae intermortuae
contiones quibus quotidie meam potentiam invi-
diose criminabatur, quum diceret senatum non
quod sentiret sed quod ego vellem decernere.
Quae quidem si potentia est appellanda potius
quam aut propter magna in rem publicam merita mediocris
in bonis causis auctoritas aut propter hos officiosos labores
meos nonnulla apud bonos gratia, appelletur ita sane, dummodo
ea nos utamur pro salute bonorum contra amentiam perdito-

As to the present unusual form of inquiry, it was not set on foot by the Senate.

rum. Hanc vero quaestionem, etsi non est ini- 13
qua, numquam tamen senatus constituendam pu-
tavit: erant enim leges, erant quaestiones, vel de
caede vel de vi; nec tantum moerorem ac luctum
senatui mors P. Clodii adferebat ut nova quaestio constituere-
tur. Cuius enim de illo incesto stupro iudicium decernendi
senatui potestas esset erepta, de eius interitu quis potest credere
senatum iudicium novum constituendum putasse? Cur igitur
incendium curiae, oppugnationem aedium M. Lepidi, caedem
hanc ipsam contra rem publicam senatus factam esse decrevit?
quia nulla vis umquam est in libera civitate suscepta inter cives
non contra rem publicam. Non enim est illa defensio contra 14
vim umquam optanda, sed non numquam est necessaria: nisi
vero aut ille dies quo Ti. Gracchus est caesus, aut ille quo
Gaius, aut arma Saturnini non, etiamsi e re publica oppressa

Yet, since every act of violence, however necessary, must be detrimental to public confidence, I and other members of the Senate

6 sunt, rem publicam tamen vulnerarunt. Itaque
ego ipse decrevi, quum caedem in Appia factam
esse constaret, non eum qui se defendisset contra
rem publicam fecisse, sed, quum inessent in re vis
et insidiae, crimen iudicio reservavi, rem notavi.

wished the matter to be tried by the ordinary forms of law: but in this we were thwarted by faction.

Quod si per furiosum illum tribunum senatui quod sentiebat perficere licuisset, novam quaestionem nullam haberemus; decernebat enim ut veteribus legibus, tantum modo extra ordinem, quaereretur: divisa sententia est postulante nescio quo; nihil enim necesse est omnium me flagitia proferre: sic reliqua auctoritas senatus empta intercessione sublata est.

Obj. 3. 'But,' say they, 'Pompeius himself passed judgment both on the question of *fact* and of *law*.' He moved for an inquiry; not about the *fact*, for that was certain; nor the *author*, he was well known; but about the *motive*. And hence Pompeius seems to me to have perceived that the act itself was defensible in point of law.

At enim Cn. Pompeius rogatione sua et de re 1 et de causa iudicavit: tulit enim de caede quae in Appia via facta esset, in qua P. Clodius occisus esset. Quid ergo tulit? nempe ut quaereretur. Quid porro quaerendum est? factumne sit? at constat: a quo? at paret. Vidit igitur etiam in confessione facti iuris tamen defensionem suscipi posse. Quod nisi vidisset posse absolvi eum qui fateretur, quum videret nos fateri, neque quaeri umquam iussisset, nec vobis tam hanc salutarem in iudicando literam quam illam tristem dedisset. Mihi vero Cn. Pompeius non modo nihil gravius contra Milonem iudicasse, sed etiam statuisse videtur quid vos in iudicando spectare oporteret: nam qui non poenam confessioni sed defensionem dedit, is causam interitus quaerendam non interitum putavit. Iam illud dicet 16
ipse profecto, quod sua sponte fecit, Publione Clodio tribuen-

He will tell you that he acted as he did, not out of regard to the dignity of Clodius, but the peculiar circumstances of the times.

7 dum putarit an tempori. Domi suae nobilissimus vir, senatus propugnator atque illis quidem temporibus paene patronus, avunculus huius iudicis nostri fortissimi viri M. Catonis, tribunus plebis M. Drusus occisus est: nihil de eius morte populus consultus, nulla quaestio decreta a senatu est. Quantum luctum in hac urbe fuisse a nostris patribus accepimus, quum P. Africano domi suae quiescenti illa nocturna vis esset illata? quis tum non gemuit? quis non arsit dolore, quem immortalem, si fieri posset, omnes esse cuperent, eius ne necessariam quidem exspectatam esse mortem? Num igitur ulla quaestio de Africani 17
morte lata est? certe nulla: quid ita? quia non

Even such men as Drusus and Africanus met with a violent death, but there was no

special commission in their case.

alio facinore clari homines alio obscuri necantur. Intersit inter vitae dignitatem summorum atque infimorum; mors quidem illata per scelus isdem et poenis teneatur et legibus. Nisi forte magis erit parricida si qui consularem patrem quam si quis humilem necaverit, aut eo mors atrocior erit P. Clodii quod is in monumentis maiorum suorum sit interfectus: hoc enim ab istis saepe dicitur; proinde quasi Appius ille Caecus viam muniverit, non qua populus uteretur, sed ubi impune sui posteri latrocinarentur. Itaque in 18
eadem ista Appia via quum ornatissimum equitem Romanum P. Clodius M. Papirium occidisset, non fuit illud facinus puniendum; homo enim nobilis in suis monumentis equitem Romanum occiderat: nunc eiusdem Appiae nomen quantas tragoedias excitat! Quae cruentata antea caede honesti atque innocentis viri silebatur, eadem nunc crebro usurpatur, posteaquam latronis et parricidae sanguine imbuta est. Sed quid

More recently, Pompeius himself, on whose life the very safety of the State depends, narrowly escaped assassination by one of the slaves of Clodius; but the culprit was not tried before an extraordinary court.

ego illa commemoro? Comprehensus est in templo Castoris servus P. Clodii quem ille ad Cn. Pompeium interficiendum collocarat; extorta est confitenti sica de manibus: caruit foro postea Pompeius, caruit senatu, caruit publico; ianua se ac parietibus non iure legum iudiciorumque texit: num quae rogatio lata? num quae nova quaestio 19
decreta est? atqui, si res, si vir, si tempus ullum dignum fuit, certe haec in illa causa summa omnia fuerunt: insidiator erat in foro collocatus atque in vestibulo ipso senatus; ei viro autem mors parabatur cuius in vita nitebatur salus civitatis; eo porro rei publicae tempore quo, si unus ille occidisset, non haec solum civitas sed gentes omnes concidissent: nisi vero quia perfecta res non est, non fuit punienda; proinde quasi exitus rerum, non hominum consilia, legibus vindicentur: minus dolendum fuit, re non perfecta; sed puniendum certe

Nor was there a special inquiry when my own life was in danger from Clodius.

nihilo minus. Quotiens ego ipse, iudices, ex P. 20
Clodii telis et ex cruentis eius manibus effugi? ex quibus si me non vel mea vel rei publicae fortuna servasset, quis tandem de interitu meo quaestionem
8 tulisset? Sed stulti sumus, qui Drusum, qui Africanum Pom-

And yet it seems that Drusus, Africanus, Pompeius, Cicero, must all give place to Clodius!

peium nosmet ipsos cum P. Clodio conferre audeamus: tolerabilia fuerunt illa; P. Clodii mortem aequo animo nemo ferre potest. Luget senatus, moeret equester ordo, tota civitas confecta senio est, squalent municipia, adflictantur coloniae, agri denique ipsi tam beneficum tam salutarem tam mansuetum civem desiderant. Non fuit ea causa, iudices, profecto, non fuit cur sibi censeret Pompeius quaestionem ferendam; sed homo sapiens atque alta et divina quadam mente praeditus multa vidit; fuisse sibi illum inimicum, familiarem Milonem: in communi omnium laetitia si etiam ipse gauderet, timuit ne videretur infirmior fides reconciliatae gratiae. Multa etiam alia vidit, sed illud maxime, quamvis atrociter ipse tulisset, vos tamen fortiter iudicaturos. Itaque delegit e florentissimis ordinibus ipsa lumina. Neque vero, quod non nulli dictitant, secrevit in iudicibus legendis amicos meos: neque enim hoc cogitavit vir iustissimus, neque in bonis viris legendis id adsequi potuisset, etiam si cupisset: non enim mea gratia familiaritatibus continetur, quae late patere non possunt, propterea quod consuetudines victus non possunt esse cum multis: sed, si quid possumus, ex eo possumus quod res publica nos coniunxit cum bonis; ex quibus ille quum optimos viros legeret idque maxime ad fidem suam pertinere arbitraretur, non potuit legere non studiosos mei. Quod vero te, L. Domiti, huic quaestioni praeesse maxime voluit, nihil quaesivit aliud nisi iustitiam gravitatem humanitatem fidem. Tulit ut consularem necesse esset; credo quod principum munus esse ducebat resistere et levitati multitudinis et perditorum temeritati. Ex consularibus te creavit potissimum; dederas enim quam contemneres populares insanias iam ab adulescentia documenta maxima.

But no: Pompeius sagaciously perceived that he must by some such means disguise the secret pleasure which he shared with us all at the death of Clodius. He took care also that the judges in this cause should be men who by an honest verdict would obviate any bad effects of his own motion.

And with the same view he appointed no less a man than you, Domitius, to preside.

9 And now I proceed at once to the only question at issue: viz. who

Quam ob rem, iudices, ut aliquando ad causam crimenque veniamus, si neque omnis confessio facti est inusitata, neque de causa quidquam nostra

was the real conspirator, Clodius or Milo?

aliter ac nos vellemus a senatu iudicatum est, et
lator ipse legis, quum esset controversia nulla
facti, iuris tamen disceptationem esse voluit, et electi iudices
isque praepositus quaestioni qui haec iuste sapienterque disceptet,
reliquum est, iudices, ut nihil iam aliud quaerere
debeatis, nisi uter utri insidias fecerit. Quod quo facilius
argumentis perspicere possitis, rem gestam vobis dum breviter
expono, quaeso, diligenter attendite.

Statement of Facts.

Ch. 9, 10.

The facts of the case were briefly these: Clodius, having postponed his prætorship a year beyond the proper time, found that Milo was certain to be elected consul for the same year.

P. Clodius quum statuisset omni scelere in 24
praetura vexare rem publicam, videretque ita
tracta esse comitia anno superiore ut non multos
menses praeturam gerere posset, qui non honoris
gradum spectaret, ut ceteri, sed et L. Paullum
collegam effugere vellet, singulari virtute civem,
et annum integrum ad dilacerandam rem publicam
quaereret; subito reliquit annum suum
seseque in annum proximum transtulit, non, ut
fit, religione aliqua, sed ut haberet, quod ipse dicebat, ad
praeturam gerendam, hoc est, ad evertendam rem publicam
plenum annum atque integrum. Occurrebat ei mancam ac 25
debilem praeturam futuram suam, consule Milone; eum porro
summo consensu populi Romani consulem fieri videbat.

Foreseeing the consequent disturbance of his own evil designs, he first strove his utmost to defeat Milo's election;

Contulit se ad eius competitores, sed ita totam
ut petitionem ipse solus etiam invitis illis gubernaret;
tota ut comitia suis, ut dictitabat, humeris
sustineret. Convocabat tribus, se interponebat,
Collinam novam dilectu perditissimorum
civium conscribebat. Quanto ille plura miscebat, tanto hic

and then, seeing that to be impossible, he began to talk openly of taking Milo's life: which he attempted in the following manner.

magis in dies convalescebat. Ubi vidit homo
ad omne facinus paratissimus fortissimum virum,
inimicissimum suum, certissimum consulem, idque
intellexit non solum sermonibus sed etiam suffragiis
populi Romani saepe esse declaratum,
palam agere coepit et aperte dicere occidendum
Milonem. Servos agrestes et barbaros, quibus silvas publicas 26
depopulatus erat Etruriamque vexarat, ex Appennino deduxerat,
quos videbatis. Res erat minime obscura: etenim palam

dictitabat consulatum Miloni eripi non posse, vitam posse Significavit hoc saepe in senatu, dixit in contione, quin etiam M. Favonio, fortissimo viro, quaerenti ex eo qua spe fureret Milone vivo, respondit triduo illum aut summum quatriduo esse periturum; quam vocem eius ad hunc M. Catonem sta-

Knowing that Milo would have to go on an official visit to Lanuvium on the 20th of January, he suddenly quitted Rome on the 19th, and went to his own estate on the Appian Road, that he might have time to lay his plans.

10 tim Favonius detulit. Interim quum sciret Clodius (neque enim erat difficile scire) iter sollemne legitimum necessarium ante diem XIII Kalendas Feb. Miloni esse Lanuvium ad flaminem prodendum, quod erat dictator Lanuvii Milo, Roma subito ipse profectus pridie est, ut ante suum fundum, quod re intellectum est, Miloni insidias collocaret: atque ita profectus est ut contionem turbulentam in qua eius furor desideratus est, quae illo ipso die habita est, relinqueret, quam, nisi obire facinoris locum tempusque voluisset, numquam reliquisset. Milo autem, quum in senatu fuisset eo die, quoad senatus est dimissus, domum venit, calceos et vestimenta mutavit, paulisper dum se uxor ut fit comparat commoratus est; dein profectus id temporis quum iam Clodius, si quidem eo die Romam venturus erat, redire potuisset. Obviam fit

Milo was met by Clodius, about 4 o'clock p.m., on horseback, and not accompanied by his wife or the usual retinue of profligate attendants.

ei Clodius expeditus, in equo, nulla reda, nullis impedimentis, nullis Graecis comitibus, ut solebat, sine uxore, quod numquam fere; quum hic insidiator, qui iter illud ad caedem faciendam apparasset, cum uxore veheretur in reda, paenulatus, magno et impedito et muliebri ac delicato ancillarum puerorumque comitatu. Fit obviam Clodio ante fundum eius, hora fere undecima aut non multo secus.

Several persons with arms attacked Milo's carriage, and his coachman was killed. Milo jumped out and began to defend himself, and in the fray which ensued, the slaves of Milo, thinking that their master had

Statim complures cum telis in hunc faciunt de loco superiore impetum; adversi redarium occidunt. Quum autem hic de reda reiecta paenula desiluisset seque acri animo defenderet, illi qui erant cum Clodio, gladiis eductis, partim recurrere ad redam, ut a tergo Milonem adorirentur, partim, quod hunc iam interfectum putarent, caedere incipiunt eius servos, qui post erant; ex quibus

been killed, avenged themselves on Clodius, as faithful slaves might be expected to do.

qui animo fideli in dominum et praesenti fuerunt partim occisi sunt, partim, quum ad redam pugnari viderent, domino succurrere prohiberentur, Milonem occisum et ex ipso Clodio audirent et revera putarent, fecerunt id servi Milonis (dicam enim non derivandi criminis causa, sed ut factum est), nec imperante nec sciente nec praesente domino, quod suos quisque servos in tali re facere voluisset.

Statement of the line of defence.

And now comes the question, whether this act was right or wrong. I undertake to prove that Milo was only defending himself against a deep-laid plot of Clodius.

Haec sicut exposui ita gesta sunt, iudices: 30
insidiator superatus est, vi victa vis, vel potius oppressa virtute audacia est. Nihil dico quid res publica consecuta sit, nihil quid vos, nihil quid omnes boni. Nihil sane id prosit Miloni, qui hoc fato natus est ut ne se quidem servare potuerit, quin una rem publicam vosque servaret. Si id iure fieri non potuit, nihil habeo quod defendam: sin hoc et ratio doctis et necessitas barbaris et mos gentibus et feris etiam beluis natura ipsa praescripsit, ut omnem semper vim, quacumque ope possent, a corpore, a capite, a vita sua propulsarent, non potestis hoc facinus improbum iudicare, quin simul iudicetis omnibus qui in latrones inciderint aut illorum telis aut vestris sententiis esse pereundum. Quod si ita putasset, certe optabilius Miloni 31
fuit dare iugulum P. Clodio, non semel ab illo neque tum primum petitum, quam iugulari a vobis, quia se illi non iugulandum tradidisset. Sin hoc nemo vestrum ita sentit, non illud iam in iudicium venit, occisusne sit, quod fatemur, sed iure an iniuria, quod multis in causis saepe quaesitum est. Insidias factas esse constat; et id est quod senatus contra rem publicam factum iudicavit: ab utro factae sint incertum est; de hoc igitur latum est ut quaereretur. Ita et senatus rem non hominem notavit, et Pompeius de iure non de facto quaestionem tulit. Num quid igitur aliud in iudicium venit nisi uter utri insidias fecerit? profecto nihil: si hic illi, ut ne sit impune; si ille huic, ut scelere solvamur.

2 First Argument.

Quonam igitur pacto probari potest insidias 32
Miloni fecisse Clodium? Satis est in illa qui-

Ch. 12, 13.
Consider, first *the strong inducements which Clodius had to rid himself of Milo.*
So long as *he* lived, he would have been fettered in his acts as prætor.

dem tam audaci tam nefaria belua docere magnam ei causam, magnam spem in Milonis morte propositam, magnas utilitates fuisse. Itaque illud Cassianum CVI BONO FVERIT in his personis valeat; etsi boni nullo emolumento impelluntur in fraudem, improbi saepe parvo. Atqui Milone interfecto Clodius hoc assequebatur, non modo ut praetor esset non eo consule quo sceleris nihil facere posset, sed etiam ut iis consulibus praetor esset quibus, si non adiuvantibus at conniventibus certe, speraret posse se eludere in illis suis cogitatis furoribus; cuius illi conatus, ut ipse ratiocinabatur, nec cuperent reprimere, si possent, quum tantum beneficium ei se debere arbitrarentur; et, si vellent, fortasse vix possent frangere hominis sceleratissimi corroboratam iam vetustate audaciam. An vero, iudices, vos soli ignoratis, vos 3
hospites in hac urbe versamini, vestrae peregrinantur aures neque in hoc pervagato civitatis sermone versantur, quas ille leges (si leges nominandae sunt, ac non faces urbis et pestes rei publicae) fuerit impositurus nobis omnibus atque inusturus?

Sextus Clodius can shew a whole portfolio of laws which these men wished to see enacted, if they could get the necessary powers.

Exhibe quaeso, Sexte Clodi, exhibe librarium illud legum vestrarum, quod te aiunt eripuisse e domo et ex mediis armis turbaque nocturna tamquam Palladium sustulisse, ut praeclarum videlicet munus atque instrumentum tribunatus ad aliquem, si nanctus esses qui tuo arbitrio tribunatum gereret, deferre posses. * * An huius ille legis, quam Sex. Clodius a se inventam gloriatur, mentionem facere ausus esset, vivo Milone, ne dicam consule? De nostrum omnium—non audeo totum dicere. Videte quid ea vitii lex habitura fuerit cuius periculosa etiam reprehensio est. Et adspexit me illis quidem oculis quibus tum solebat quum omnibus omnia minabatur:
13 movet me quippe lumen curiae. Quid? tu me tibi iratum, Sexte, putas, cuius tu inimicissimum multo crudelius etiam punitus es quam erat humanitatis meae postulare? Tu P. Clodii cruentum cadaver eiecisti domo, tu in publicum abiecisti, tu spoliatum imaginibus exequiis pompa laudatione, infelicissimis lignis semiustilatum, nocturnis canibus dilanian-

dum reliquisti. Qua re etsi nefarie fecisti, tamen, quoniam in
meo inimico crudelitatem exprompsisti tuam, laudare non
possum, irasci certe non debeo * * * fuerit occidi Milonem.

Milo, on the other hand, had not only no reason to wish for the death of Clodius, but the strongest reasons for wishing the contrary.

Convertite animos nunc vicissim ad Milonem. 34
Quid Milonis intererat interfici Clodium? Quid
erat cur Milo, non dicam admitteret, sed optaret?
'Obstabat in spe consulatus Miloni Clodius.' At
eo repugnante fiebat; immo vero eo fiebat magis;
nec me suffragatore meliore utebatur quam Clo-
dio. Valebat apud vos, iudices, Milonis erga me
remque publicam meritorum memoria; valebant preces et
lacrimae nostrae, quibus ego tum vos mirifice moveri sentie-
bam; sed plus multo valebat periculorum impendentium timor.
Quis enim erat civium qui sibi solutam P. Clodii praeturam
sine maximo rerum novarum metu proponeret? solutam autem
fore videbatis, nisi esset is consul qui eam auderet possetque
constringere. Eum Milonem unum esse quum sentiret uni-
versus populus Romanus, quis dubitaret suffragio suo se metu,
periculo rem publicam liberare? At nunc Clodio remoto

When Clodius was gone, the chief glory of Milo's public life, which consisted in protecting us from his designs, was also gone.

usitatis iam rebus enitendum est Miloni ut tueatur
dignitatem suam. Singularis illa et huic uni con-
cessa gloria, quae quotidie augebatur frangendis
furoribus Clodianis, iam morte Clodii cecidit. Vos
adepti estis ne quem civem metueretis; hic exer-
citationem virtutis, suffragationem consulatus, fon-
tem perennem gloriae suae perdidit. Itaque Milonis consula-
tus, qui vivo Clodio labefactari non poterat, mortuo denique
temptari coeptus est. Non modo igitur nihil prodest sed obest
etiam Clodii mors Miloni. 'At valuit odium, fecit iratus, fecit 35
inimicus, fuit ultor iniuriae, punitor doloris sui.' Quid si haec,
non dico maiora fuerunt in Clodio quam in Milone, sed in illo

Milo felt no hatred towards Clodius beyond that which all other good men felt.

maxima, nulla in hoc, quid vultis amplius? Quid
enim odisset Clodium Milo, segetem ac materiem
suae gloriae, praeter hoc civile odium quo omnes
improbos odimus? Ille erat ut odisset, primum
defensorem salutis meae, deinde vexatorem furoris,
domitorem armorum suorum, postremo etiam accusatorem

suum; reus enim Milonis lege Plotia fuit Clodius, quoad vixit. Quo tandem animo hoc tyrannum illum tulisse creditis? quantum odium illius et in homine iniusto quam etiam iustum fuisse?

Second Argument. Ch. 14—16. 2. Compare *the life and character of the two men.* The life of Clodius had been one of perpetual intrigue and violence.

14 Reliquum est ut iam illum natura ipsius consuetudoque defendat, hunc autem haec eadem coarguat. 'Nihil per vim umquam Clodius, omnia per vim Milo.' Quid? ego, iudices, quum moerentibus vobis urbe cessi, iudiciumne timui? non servos, non arma, non vim? Quae fuisset igitur iusta causa restituendi mei, nisi fuisset iniusta eiiciendi? Diem mihi, credo, dixerat; multam inrogarat; actionem perduellionis intenderat; et mihi videlicet in causa aut mala aut mea, non et praeclarissima et vestra, iudicium timendum fuit. Servorum et egentium civium et facinorosorum armis meos cives, meis consiliis periculisque servatos, pro me obici nolui. Vidi enim vidi hunc ipsum Q. Hortensium, lumen et ornamentum rei publicae, paene interfici servorum manu, quum mihi adesset: qua in turba C. Vibienus senator, vir optimus, cum hoc quum esset una, ita est mulcatus ut vitam amiserit. Itaque quando illius postea sica illa, quam a Catilina acceperat, conquievit? Haec intentata nobis est; huic ego vos obici pro me non sum passus; haec insidiata Pompeio est; haec istam Appiam, monumentum sui nominis, nece Papirii cruentavit; haec eadem longo intervallo conversa rursus est in me; nuper quidem, ut scitis, me ad regiam paene confecit. Quid simile Milonis? cuius vis omnis haec semper fuit, ne P. Clodius quum in iudicium detrahi non posset, vi oppressam civitatem teneret. Quem si interficere voluisset, quantae quotiens occasiones, quam praeclarae fuerunt. Potuitne, quum domum ac deos penates suos illo oppugnante defenderet, iure se ulcisci? potuitne, civi egregio et viro fortissimo, P. Sestio, collega suo, vulnerato? potuitne, Q. Fabricio, viro optimo, quum de reditu meo legem ferret, pulso, crudelissima in foro caede facta? potuitne, L. Caecilii, iustissimi fortissimique praetoris, oppugnata domo? potuitne illo die

Milo's whole life, on the contrary, has been spent in repressing the outrages of Clodius and his associates.

quum est lata lex de me? quum totius Italiae concursus, quem mea salus concitarat, facti illius gloriam libens agnovisset, ut, etiam si id Milo fecisset, cuncta civitas eam laudem pro sua vindicaret? At quod erat tempus? Clarissimus 39

How frequent were the provocations he received from Clodius when alive, and the opportunities he had of taking vengeance on him, if he had been so disposed!

et fortissimus consul, inimicus Clodio, P. Lentulus, ultor sceleris illius, propugnator senatus, defensor vestrae voluntatis, patronus publici consensus, restitutor salutis meae; septem praetores, octo tribuni plebei, illius adversarii, defensores mei; Cn. Pompeius auctor et dux mei reditus, illius hostis, cuius sententiam senatus omnis de salûte mea gravissimam et ornatissimam secutus est, qui populum Romanum est cohortatus, qui, quum decretum de me Capuae fecit, ipse cunctae Italiae cupienti et eius fidem imploranti signum dedit ut ad me restituendum Romam concurrerent; omnium denique in illum odia civium ardebant desiderio mei, quem qui tum interemisset, non de impunitate eius sed de praemiis cogitaretur. Tamen se Milo continuit et P. Clodium 40
in iudicium bis, ad vim numquam vocavit. Quid? privato Milone et reo ad populum, accusante P. Clodio, quum in Cn. Pompeium pro Milone dicentem impetus factus est, quae tum non modo occasio sed etiam causa illius opprimendi fuit? Nuper vero, quum M. Antonius summam spem salutis bonis omnibus attulisset gravissimamque adulescens nobilissimus rei publicae partem fortissime suscepisset atque illam beluam, iudicii laqueos declinantem, iam irretitam teneret, qui locus, quod tempus illud, di immortales, fuit! Quum se ille fugiens in scalarum tenebras abdidisset, magnum Miloni fuit conficere illam pestem nulla sua invidia, Antonii vero maxima gloria. Quid? comitiis in campo quotiens potestas fuit! quum ille in 41
saepta ruisset, gladios destringendos, lapides iaciendos curavisset, dein subito vultu Milonis perterritus fugeret ad Tiberim, vos et omnes boni vota faceretis ut Miloni uti virtute sua liberet?

Is it likely then that he would wait till he was canvassing for the consulship, the candidates for which are even

6 Quem igitur cum omnium gratia noluit, hunc voluit cum aliquorum querela? quem iure, quem loco, quem tempore, quem impune non est ausus, hunc iniuria, iniquo loco, alieno

morbidly sensitive regarding the faintest breath of suspicion against their characters?

tempore, periculo capitis non dubitavit occidere? Praesertim, iudices, quum honoris amplissimi contentio et dies comitiorum subesset: quo quidem tempore (scio enim quam timida sit ambitio, quantaque et quam sollicita sit cupiditas consulatus) omnia non modo quae reprehendi palam sed etiam obscure quae cogitari possunt timemus; rumorem, fabulam fictam falsam levem perhorrescimus; ora omnium atque oculos intuemur: nihil est enim tam molle, tam tenerum, tam aut fragile aut flexibile, quam voluntas erga nos sensusque civium, qui non modo improbitati irascuntur candidatorum sed etiam in recte factis saepe fastidiunt. Hunc igitur diem campi speratum atque exoptatum sibi proponens Milo, cruentis manibus scelus et facinus prae se ferens et confitens ad illa augusta centuriarum auspicia veniebat? Quam hoc non credibile in hoc, quam idem in Clodio non dubitandum, quum se ille interfecto Milone regnaturum putaret! Quid? quod

His position too was such that he could not hope for impunity: but Clodius had too long despised justice to be disturbed by any fears.

caput est iudices, quis ignorat maximam illecebram esse peccandi impunitatis spem? In utro igitur haec fuit? in Milone, qui etiam nunc reus est facti aut praeclari aut certe necessarii, an in Clodio, qui ita iudicia poenamque contempserat, ut eum nihil delectaret quod aut per naturam fas esset aut per leges liceret? Sed quid ego argumentor? quid

You have positive evidence that Clodius had resolved to murder Milo three days before they met on the Appian Road.

plura disputo? te, Q. Petili, appello, optimum et fortissimum civem; te, M. Cato, testor: quos mihi divina quaedam sors dedit iudices. Vos ex M. Favonio audistis Clodium sibi dixisse, et audistis vivo Clodio, periturum Milonem triduo. Post diem tertium gesta res est quam dixerat. Quum ille non dubitarit aperire quid cogitaret, vos potestis dubitare quid fecerit?

17 Third Argument. Ch. 17—19.

3. But there was *no necessity for Clodius' sudden departure, as there was for Milo's:* on the

Quem ad modum igitur eum dies non fefellit? Dixi equidem modo. Dictatoris Lanuvini stata sacrificia nosse negotii nihil erat. Vidit necesse esse Miloni proficisci Lanuvium illo ipso quo est profectus die; itaque antevertit. At quo die? quo, ut ante dixi, fuit insanissima contio, ab ipsius

contrary, Clodius had the strongest inducement to stay in Rome.

mercenario tribuno plebei concitata; quem diem
ille, quam contionem, quos clamores, nisi ad cogi-
tatum facinus adproperaret, numquam reliquisset.
Ergo illi ne causa quidem itineris, etiam causa manendi:
Miloni manendi nulla facultas, exeundi non causa solum sed
etiam necessitas fuit. Quid? si, ut ille scivit Mi-

Milo could never have suspected his absence at such a time, nor his return on that particular day; but Clodius could easily ascertain the precise day of Milo's official visit.

lonem fore eo die in via, sic Clodium Milo ne
suspicari quidem potuit? Primum quaero qui scire 46
potuerit? quod vos idem in Clodio quaerere non
potestis. Ut enim neminem alium nisi T. Pa-
tinam, familiarissimum suum, rogasset, scire potuit
illo ipso die Lanuvii a dictatore Milone prodi
flaminem necesse esse: sed erant permulti alii ex
quibus id facillime scire posset, [omnes scilicet
Lanuvini]. Milo de Clodii reditu unde quaesivit? Quaesierit
sane; videte quid vobis largiar. Servum etiam, ut Q. Arrius
meus amicus dixit, corruperit. Legite testimonia testium ves-

This is plain even from the evidence of the witnesses for Clodius.

trorum. Dixit C. Causinius Scola, Interamnas,
familiarissimus et idem comes P. Clodii,—cuius
iam pridem testimonio Clodius eadem hora Inter-
amnae fuerat et Romae,—P. Clodium illo die in
Albano mansurum fuisse, sed subito ei esse nuntiatum Cyrum
architectum esse mortuum; itaque repente Romam consti-
tuisse proficisci. Dixit hoc comes item P. Clodii, C. Clodius.
8 Videte, iudices, quantae res his testimoniis sint confectae. 47
Primum certe liberatur Milo non eo consilio profectus esse ut
insidiaretur in via Clodio: quippe, si ille obvius ei futurus
omnino non erat. Deinde—non enim video cur

I need not stay to point out how their evidence absolves *me* also from complicity in this affair.

non meum quoque agam negotium—scitis, iudices,
fuisse qui in hac rogatione suadenda dicerent
Milonis manu caedem esse factam, consilio vero
maioris alicuius: me videlicet latronem ac sica-
rium abiecti homines et perditi describebant.
Iacent suis testibus, qui Clodium negant eo die Romam, nisi
de Cyro audisset, fuisse rediturum. Respiravi, liberatus sum;
non vereor ne, quod ne suspicari quidem potuerim, videar
id cogitasse. Nunc persequar cetera. Nam occurrit illud: 48

If the death of Cyrus was the cause of his return, why all this haste? He had left him dying, and he knew that Cyrus had made him and myself his joint-heirs by will.

'igitur ne Clodius quidem de insidiis cogitavit, quoniam fuit in Albano mansurus:' si quidem exiturus ad caedem e villa non fuisset. Video enim illum qui dicatur de Cyri morte nuntiasse non id nuntiasse, sed Milonem adpropinquare: nam quid de Cyro nuntiaret, quem Clodius Roma proficiscens reliquerat morientem? Una fui, testamentum simul obsignavi cum Clodio; testamentum autem palam fecerat et illum heredem et me scripserat: quem pridie hora tertia animam efflantem reliquisset, eum mortuum postridie hora decima denique ei nuntiabatur?

He could therefore neither lose nor gain anything by hurrying back to Rome that very night, and so risking his life in the dark.

19 Age, sit ita factum. Quae causa cur Romam properaret? cur in noctem se coniceret? Quid adferebat festinationis quod heres erat? Primum erat nihil cur properato opus esset; deinde, si quid esset, quid tandem erat quod ea nocte consequi posset, amitteret autem, si postridie Romam mane venisset?

And if, as is pretended, Milo knew of this resolve, surely it would have been more safe for him to lie in wait for Clodius in the thievish corners of the suburban streets than on an open road.

Atque ut illi nocturnus ad urbem adventus vitandus potius quam expetendus fuit, sic Miloni, quum insidiator esset, si illum ad urbem noctu accessurum sciebat, subsidendum atque exspectandum fuit. Noctu, insidioso et pleno latronum in loco occidisset: nemo ei neganti non credidisset, quem esse omnes salvum etiam confitentem volunt. Sustinuisset hoc crimen primum ipse ille latronum occultator et receptor locus; tum neque muta solitudo indicasset neque caeca nox ostendisset Milonem; deinde ibi multi ab illo violati, spoliati, bonis expulsi; multi etiam haec timentes in suspitionem caderent; tota denique rea citaretur Etruria. Atque illo die certe Aricia rediens devertit Clodius ad se in Albanum. Quod ut sciret Milo illum Ariciae fuisse, suspicari tamen debuit eum, etiam si Romam illo die reverti vellet, ad villam suam, quae viam tangeret, deversurum: cur neque ante occurrit, ne ille in villa resideret, nec eo in loco subsedit quo ille noctu venturus esset?

Recapitulation.

Video adhuc constare, iudices, omnia: Miloni etiam utile fuisse Clodium vivere, illi ad ea quae concupierat optatissimum interitum Milonis; odium fuisse illius in hunc acerbissimum, nullum huius in illum; consuetudinem illius perpetuam in vi inferenda, huius tantum in
repellanda; mortem ab illo denuntiatam Miloni et praedictam 52
palam, nihil umquam auditum ex Milone; profectionis huius diem illi notum, reditum illius huic ignotum fuisse; huius iter necessarium, illius etiam potius alienum; hunc prae se tulisse se illo die Roma exiturum, illum eo die se dissimulasse rediturum; hunc nullius rei mutasse consilium, illum causam mutandi consilii finxisse; huic, si insidiaretur, noctem prope urbem exspectandam, illi, etiam si hunc non timeret, tamen accessum ad urbem nocturnum fuisse metuendum.

Fourth Argument.

Ch. 20. The *nature of the ground chosen for the attack* was such as entirely to favour the designs of Clodius, and to place Milo at a disadvantage.

Videamus nunc id quod caput est; locus ad 53
insidias ille ipse ubi congressi sunt utri tandem fuerit aptior. Id vero, iudices, etiam dubitandum et diutius cogitandum est? Ante fundum Clodii, quo in fundo propter insanas illas substructiones mille facile hominum versabatur valentium, edito adversarii atque excelso loco superiorem se fore putarat Milo et ob eam rem eum locum ad pugnam potissimum elegerat? an in eo loco est potius exspectatus ab eo qui ipsius loci spe facere impetum cogitarat? Res loquitur, ipsa, judices, quæ semper valet
plurimum. Si hæc non gesta audiretis, sed picta videretis, 54
tamen appareret uter esset insidiator, uter nihil cogitaret mali, quum alter veheretur in reda, paenulatus, una sederet uxor: quid horum non impeditissimum? vestitus an vehiculum an comes? quid minus promptum ad pugnam, quum paenula irretitus, reda impeditus, uxore paene constrictus esset? Videte nunc illum, primum egredientem e villa subito; cur? vesperi; quid necesse est? tarde; qui convenit, praesertim id temporis? 'Devertit in villam Pompei.' Pompeium ut videret? sciebat in Alsiensi esse: villam ut perspiceret? miliens in ea fuerat. Quid ergo erat? mora et tergiversatio: dum hic veniret, locum relinquere noluit.

Fifth Argument, Ch. 21, 22. How inconsistent also was *Milo's mode of travelling* with the supposition that he meditated violence!

21 Age nunc iter expediti latronis cum Milonis impedimentis comparate. Semper ille antea cum uxore, tum sine ea: numquam nisi in reda, tum in equo: comites Graeculi, quocumque ibat, etiam quum in castra Etrusca properabat, tum in comitatu nugarum nihil. Milo, qui numquam, tum casu pueros symphoniacos uxoris ducebat et ancillarum greges: ille qui semper secum scorta, semper exoletos,

Contrast with this *the equipment of Clodius.* Why then, you will ask, was he beaten? Because the best prepared do not always prevail in such sudden encounters.

semper lupas duceret, tum neminem, nisi ut virum a viro lectum esse diceres. Cur igitur victus est? Quia non semper viator a latrone, non numquam etiam latro a viatore occiditur; quia, quamquam paratus in imparatos Clodius, tamen mulier inciderat in viros. Nec vero sic erat umquam non paratus Milo contra illum ut non satis fere esset paratus. Semper ille et quantum interesset P. Clodii se perire et quanto illi odio esset et quantum ille auderet cogitabat. Quam ob rem vitam suam, quam maximis praemiis propositam et paene addictam sciebat, numquam in periculum sine praesidio et sine custodia proiciebat. Adde casus, adde incertos exitus pugnarum Martemque communem, qui saepe spoliantem iam et exsultantem evertit et perculit ab abiecto. Adde inscitiam pransi poti oscitantis ducis, qui quum a tergo hostem interclusum reliquisset, nihil de eius extremis comitibus cogitavit; in quos incensos ira vitamque domini desperantes quum incidisset, haesit in iis poenis quas ab eo servi

Objections answered.

It is said that Milo emancipated the slaves who killed Clodius, that they might not confess. But what could they confess? The fact was admitted: its justice was not the torturer's concern.

Liberty was, after all, but an

fideles pro domini vita expetiverunt. Cur igitur eos manu misit? metuebat scilicet ne indicaretur, ne dolorem perferre non possent, ne tormentis cogerentur occisum esse a servis Milonis in Appia via P. Clodium confiteri. Quid opus est tortore? quid quaeris? occideritne? occidit: iure an iniuria? nihil ad tortorem: facti enim in equuleo
22 quaestio est, iuris in iudicio. Quod igitur in causa quaerendum est, id agamus hic; quod tormentis invenire vis, id fatemur. Manu vero cur miserit, si id potius quaeris, quam cur parum amplis ad-

inadequate reward for men who had saved his life; it saved them too from the painful tortures to which they would have been exposed as slaves.

fecerit praemiis, nescis inimici factum reprehen-
dere. Dixit enim hic idem qui omnia semper 58
constanter et fortiter, M. Cato, dixitque in tur-
bulenta contione, quae tamen huius auctoritate
placata est, non libertate solum sed etiam omnibus
praemiis dignissimos fuisse qui domini caput de-
fendissent. Quod enim praemium satis magnum est tam
benevolis, tam bonis, tam fidelibus servis, propter quos vivit?
etsi id quidem non tanti est quam quod propter eosdem non
sanguine et vulneribus suis crudelissimi inimici mentem oculos-
que satiavit. Quos nisi manu misisset, tormentis etiam de-
dendi fuerunt conservatores domini, ultores sceleris, defensores
necis. Hic vero nihil habet in his malis quod minus moleste
ferat, quam, etiam si quid ipsi accidat, esse tamen illis meritum
praemium persolutum. Sed quaestiones urgent 59
Milonem quae sunt habitae nunc in atrio Libertatis.
Quibusnam de servis? rogas? de P. Clodii. Quis
eos postulavit? Appius. Quis produxit? Appius.
Unde? ab Appio. Di boni! quid potest agi
severius? De servis nulla lege quaestio est in
dominum nisi de incestu, ut fuit in Clodium.
Proxime deos accessit Clodius,—propius quam
tum quum ad ipsos penetrarat,—cuius de morte tamquam de
caerimoniis violatis quaeritur. Sed tamen maiores nostri in
dominum de servo quaeri noluerunt, non quin posset verum
inveniri, sed quia videbatur indignum et domini morte ipsa
tristius. In reum de servo accusatoris quum quaeritur, verum
inveniri potest? Age vero, quae erat aut qualis quaestio? 60
'Heus tu, Rufio,' (verbi causa) 'cave sis mentiare; Clodius
insidias fecit Miloni?' 'Fecit:' certa crux. 'Nullas fecit:'
sperata libertas. Quid hac quaestione certius? Subito abrepti
in quaestionem, separantur tamen a ceteris et in arcas coni-
ciuntur, ne quis cum iis colloqui possit. Hi centum dies penes
accusatorem quum fuissent, ab eo ipso [accusatore] producti
sunt. Quid hac quaestione dici potest integrius? quid incor-
ruptius?

As to the answers given by the slaves produced by Appius Clodius, they prove nothing; for if those slaves had not said what was required of them, they would have been punished instantly.

Sixth Argument.

Ch. 23.

The *return of Milo to Rome* was not that of a man who felt himself guilty of a crime. He came back instantly, and frankly threw himself on the protection of the state, and of Pompey its head.

23 Quod si nondum satis cernitis, quum res ipsa 6
tot tam claris argumentis signisque luceat, pura mente atque integra Milonem, nullo scelere imbutum, nullo metu perterritum, nulla conscientia exanimatum Romam revertisse, recordamini, per deos immortales, quae fuerit celeritas reditus eius; qui ingressus in forum, ardente curia; quae magnitudo animi, qui vultus, quae oratio. Neque vero se populo solum sed etiam senatui commisit; neque senatui modo sed etiam publicis praesidiis et armis; neque his tantum verum etiam eius potestati cui senatus totam rem publicam, omnem Italiae pubem, cuncta populi Romani arma commiserat: cui numquam se hic profecto tradidisset, nisi causae suae confideret, praesertim omnia audienti, magna metuenti, multa suspicanti, non nulla credenti. Magna vis est conscientiae, iudices, et magna in utramque partem; ut neque timeant qui nihil commiserint, et poenam semper ante oculos versari putent qui peccarint. Neque vero 6
sine ratione certa causa Milonis semper a senatu probata est; videbant enim sapientissimi homines facti rationem, praesentiam animi, defensionis constantiam. An vero obliti estis, iudices, recenti illo nuntio necis Clodianae, non modo inimicorum Milonis sermones et opiniones sed non nullorum etiam imperitorum?

Nor did he (as some predicted) admit his guilt by going into voluntary exile.

negabant eum Romam esse rediturum. Sive enim illud animo 6
irato ac percito fecisset ut incensus odio trucidaret inimicum, arbitrabantur eum tanti mortem P. Clodii putasse ut aequo animo patria careret, quum sanguine inimici explesset odium suum: sive etiam illius morte patriam liberare voluisset, non dubitaturum fortem virum quin, quum suo periculo salutem populo Romano attulisset, cederet aequo animo legibus, secum auferret gloriam sempiternam, nobis haec fruenda relinqueret quae ipse servasset. Multi etiam Catilinam atque illa portenta loquebantur: 'erumpet, occupabit aliquem locum, bellum patriae faciet.' Miseros interdum cives optime de re publica meritos, in quibus homines non modo res praeclarissimas obliviscuntur, sed etiam nefarias suspicantur! Ergo illa falsa

fuerunt; quae certe vera extitissent, si Milo admisisset aliquid quod non posset honeste vereque defendere.

Seventh Argument. Ch. 24—26. Observe *his indifference to the numerous charges brought against him,* at this time of rebellion and conspiracy.

Quid? quae postea sunt in eum congesta, quae 64
quemvis etiam mediocrium delictorum conscientia perculissent, ut sustinuit!—di immortales! sustinuit? immo vero ut contempsit ac pro nihilo putavit,—quae neque maximo animo nocens, neque innocens nisi fortissimus vir neglegere potuisset. Scutorum, gladiorum, frenorum, pilorumque etiam multitudo deprehendi posse indicabatur. Nullum in urbe vicum, nullum angiportum esse dicebant, in quo non Miloni conducta esset domus; arma in villam Ocriculanam devecta Tiberi; domus in clivo Capitolino scutis referta; plena omnia malleolorum ad urbis incendia comparatorum: haec non delata solum, sed paene credita; nec

The position of Pompeius perhaps compelled him to listen sometimes to such charges, from whatever source they came: but they were all found to be false or frivolous.

ante repudiata sunt quam quaesita. Laudabam 65
equidem incredibilem diligentiam Cn. Pompei; sed dicam ut sentio, iudices. Nimis multa audire coguntur neque aliter facere possunt ii quibus tota commissa est res publica. Quin etiam fuit audiendus popa Licinius, nescio qui de circo maximo, servos Milonis apud se ebrios factos sibi confessos esse, de interficiendo Cn. Pompeio coniurasse, dein postea se gladio percussum esse ab uno de illis, ne indicaret: Pompeio in hortos nuntiavit; arcessor in primis; de amicorum sententia rem defert ad senatum. Non poteram in illius mei patriaeque custodis tanta suspitione non metu exanimari; sed mirabar tamen credi popae, confessionem servorum audiri, vulnus in latere, quod acu punctum videretur, pro ictu gladiatoris probari: verum, ut intellego, cavebat magis Pompeius quam timebat, 66
non ea solum quae timenda erant sed omnia, ne aliquid vos timeretis. Oppugnata domus C. Caesaris, clarissimi et fortissimi viri, per multas noctis horas nuntiabatur: nemo audierat tam celebri loco, nemo senserat; tamen audiebatur. Non poteram Cn. Pompeium, praestantissima virtute virum, timidum suspicari: diligentiam, tota re publica suscepta, nimiam nullam putabam. Frequentissimo senatu nuper in Capitolio senator

inventus est qui Milonem cum telo esse diceret: nudavit se in sanctissimo templo, quoniam vita talis et civis et viri fidem
25 non faciebat, ut, eo tacente, res ipsa loqueretur. Omnia falsa 6
atque insidiose ficta comperta sunt; quum tamen metuitur etiam nunc Milo. Non iam hoc Clodianum crimen timemus, sed tuas, Cn. Pompei, (te enim iam appello, et ea voce ut me exaudire possis), tuas, tuas, inquam, suspitiones perhorrescimus. Si Milonem times, si hunc de tua vita nefarie aut nunc cogitare aut molitum aliquando aliquid putas; si Italiae dilectus, ut non nulli conquisitores tui dictitarunt, si haec arma, si Capitolinae cohortes, si excubiae, si vigiliae, si delecta iuventus quae tuum corpus domumque custodit, contra Milonis impetum armata est, atque illa omnia in hunc unum instituta, parata, intenta sunt; magna in hoc certe vis et incredibilis animus et non unius viri vires atque opes indicantur, si quidem in hunc unum et praestantissimus dux electus et tota res publica armata est.

It has been said indeed that Pompeius is himself afraid of Milo; but of this there is no proof.

Sed quis non intellegit omnes tibi rei publicae 6
partes aegras et labantes, ut eas his armis sanares et confirmares, esse commissas? Quod si locus Miloni datus esset, probasset profecto tibi ipsi neminem umquam hominem homini cariorem fuisse quam te sibi; nullum se umquam periculum pro tua dignitate fugisse; cum illa ipsa taeterrima peste se saepissime pro tua gloria contendisse; tribunatum suum ad salutem meam, quae tibi carissima fuisset, consiliis tuis gubernatum; se a te postea defensum in periculo capitis, adiutum in petitione praeturae; duos se habere semper amicissimos sperasse, te tuo beneficio, me suo. Quae si non probaret, si tibi ita penitus inhaesisset ista suspitio, nullo ut evelli modo posset, si denique Italia a dilectu, urbs ab armis, sine Milonis clade numquam esset conquietura, ne iste haud dubitans cessisset patria, is qui ita natus est et ita consuevit; te, Magne, tamen antestaretur, quod nunc etiam facit.

The precautions which he has taken are for the general good in a time of much disorder: they cannot be directed against Milo, than whom there is no one more loyal or more devoted to his cause,

26 Vide quam sit varia vitae commutabilisque ratio, 6
quam vaga volubilisque fortuna, quantae infidelitates in amicis, quam ad tempus aptae simula-

as he may yet live to prove, should some reverse of fortune befal Pompeius.

tiones, quantae in periculis fugae proximorum, quantae timiditates. Erit erit illud profecto tempus et illucescet ille aliquando dies quum tu, salutaribus ut spero rebus tuis, sed fortasse motu aliquo communium temporum immutatis, (qui quam crebro accidat, experti scire debemus,) et amicissimi benevolentiam et gravissimi hominis fidem et unius post homines natos
fortissimi viri magnitudinem animi desideres. Quamquam quis 70
hoc credat, Cn. Pompeium, iuris publici, moris maiorum, rei denique publicae peritissimum, quum senatus ei commiserit ut videret NE QVID RES PVBLICA DETRIMENTI CAPERET,—quo uno versiculo satis armati sempér consules fuerunt etiam nullis armis datis,—hunc exercitu, hunc dilectu dato, iudicium exspectaturum fuisse in eius consiliis vindicandis qui vi iudicia ipsa tolleret? Satis iudicatum est a Pompeio, satis, falso ista conferri in Milonem; qui legem tulit qua, ut ego sentio, Milonem absolvi a vobis oporteret; ut omnes confitentur,
liceret. Quod vero in illo loco atque illis publicorum prae- 71
sidiorum copiis circumfusus sedet, satis declarat se non terrorem inferre vobis,—quid enim minus illo dignum quam cogere ut vos eum condemnetis in quem animadvertere ipse et more maiorum et suo iure posset?—sed praesidio esse, ut intellegatis, contra hesternam illam contionem licere vobis quod sentiatis libere iudicare.

And is it credible that Pompeius, if he believed these calumnies, would quietly await the issue of a slow judicial process, when the extraordinary powers conferred on him enabled him at once and by force of arms to crush his enemy?

Eighth Argument.
Ch. 27—33.

But even if I were unable to prove Milo's innocence, as I have done, he might still take credit to himself for having been the aggressor: he might boldly, though falsely, have said to you: 'I have killed one who has been convicted of adultery, of incest, of con-

Nec vero me, iudices, Clodianum crimen 72
movet; nec tam sum demens tamque vestri sensus ignarus atque expers, ut nesciam quid de morte Clodii sentiatis. De qua, si iam nollem ita diluere crimen ut dilui, tamen impune Miloni palam clamare ac mentiri gloriose liceret:—'Occidi occidi, non Sp. Maelium, qui annona levanda iacturisque rei familiaris quia nimis amplecti plebem putabatur, in suspitionem incidit regni adpetendi; non Ti. Gracchum, qui collegae magistratum per seditionem abrogavit; quorum interfectores impleverunt orbem terrarum nominis sui gloria; sed

spiracy, and of innumerable other acts of lawlessness and violence.'

eum (auderet enim dicere, quum patriam periculo suo liberasset,) cuius nefandum adulterium in pulvinaribus sanctissimis nobilissimae feminae comprehenderunt; eum cuius supplicio senatus sollemnes religiones expiandas saepe censuit; eum quem cum sorore germana nefarium stuprum fecisse L. Lucullus iuratus se quaestionibus habitis dixit comperisse; eum qui civem quem senatus, quem populus Romanus, quem omnes gentes urbis ac vitae civium conservatorem iudicarant, servorum armis exterminavit; eum qui regna dedit ademit, orbem terrarum quibuscum voluit partitus est; eum qui plurimis caedibus in foro factis, singulari virtute et gloria civem domum vi et armis compulit; eum cui nihil umquam nefas fuit nec in facinore nec in libidine; eum qui aedem Nympharum incendit, ut memoriam publicam recensionis tabulis publicis impressam extingueret; eum denique cui iam nulla lex erat, nullum civile ius, nulli possessionum termini; qui non calumnia litium, non iniustis vindiciis ac sacramentis alienos fundos, sed castris, exercitu, signis inferendis petebat; qui non solum Etruscos, (eos enim penitus contempserat,) sed hunc P. Varium, fortissimum atque optimum civem, iudicem nostrum, pellere possessionibus armis castrisque conatus est; qui cum architectis et decempedis villas multorum hortosque peragrabat; qui Ianiculo et Alpibus spem possessionum terminarat suarum; qui quum ab equite Romano splendido et forti M. Paconio non impetrasset ut sibi insulam in lacu Prilio venderet, repente lintribus in eam insulam materiem calcem caementa arma convexit, dominoque trans ripam inspectante non dubitavit aedificium exstruere in alieno; qui huic T. Furfanio,—cui viro, di immortales!—quid enim ego de muliercula Scantia, quid de adulescente Aponio dicam? quorum utrique mortem est minitatus, nisi sibi hortorum possessione cessissent,—sed ausum esse Furfanio dicere, si sibi pecuniam quantam poposcerat non dedisset, mortuum se in domum eius illaturum, qua invidia huic esset tali viro conflagrandum; qui Appium fratrem, hominem mihi coniunctum fidissima gratia, absentem de possessione fundi deiecit;

qui parietem sic per vestibulum sororis instituit ducere, sic agere fundamenta, ut sororem non modo vestibulo privaret sed omni aditu et limine.' Quamquam haec qui- 76 dem iam tolerabilia videbantur, etsi aequabiliter in rem publicam in privatos, in longinquos in propinquos, in alienos in suos irruebat; sed nescio quomodo iam usu obduruerat et percalluerat civitatis incredibilis patientia. Quae vero aderant iam et impendebant, quonam modo ea aut depellere potuissetis aut ferre? Imperium si ille nactus esset—omitto socios, exteras nationes, reges, tetrarchas; vota enim faceretis ut in eos se potius immitteret quam in vestras possessiones, vestra tecta, vestras pecunias; pecunias dico? a liberis, a liberis, me dius fidius, et a coniugibus vestris numquam ille effrenatas suas libidines cohibuisset. Fingi haec putatis, quae patent, quae nota sunt omnibus, quae tenentur? servorum exercitus illum in urbe conscripturum fuisse, per quos totam rem publicam resque privatas omnium possideret? Quam ob 77 rem, si cruentum gladium tenens clamaret T. Annius: 'Adeste quaeso atque audite, cives: P. Clodium interfeci; eius furores quos nullis iam legibus nullis iudiciis frenare poteramus, hoc ferro et hac dextera a cervicibus vestris reppuli, per me ut unum ius aequitas, leges libertas, pudor pudicitia in civitate manerent;'—esset vero timendum, quonam modo id ferret civitas! Nunc enim quis est qui non probet, qui non laudet, qui non unum post hominum memoriam T. Annium plurimum rei publicae profuisse, maxima laetitia populum Romanum, cunctam Italiam, nationes omnes adfecisse et dicat et sentiat? Non queo vetera illa populi Romani gaudia quanta fuerint iudicare: multas tamen iam summorum imperatorum clarissimas victorias aetas nostra vidit, quarum nulla neque tam diuturnam attulit laetitiam nec tantam. Mandate hoc memoriae, iudices. Spero 78 multa vos liberosque vestros in re publica bona esse visuros; in iis singulis ita semper existimabitis, vivo P. Clodio nihil

He might have claimed your everlasting gratitude for having rid you of a monster who, if he had gained the power which he sought, would have spread havoc through the state, and invaded the sanctity of your very hearths and homes.

And, as it is, are we not all rejoicing heartily at our deliverance, and at the prospect of the state being once more great and prosperous under the consulate of Milo?

eorum vos visuros fuisse. In spem maximam et, quem ad modum confido, verissimam sumus adducti, hunc ipsum annum, hoc ipso summo viro consule, compressa hominum licentia, cupiditatibus fractis, legibus et iudiciis constitutis, salutarem civitati fore. Num quis igitur est tam demens qui hoc P. Clodio vivo contingere potuisse arbitretur? Quid? ea quae tenetis privata atque vestra, dominante homine furioso quod
29 ius perpetuae possessionis habere potuissent? Non timeo, iudices, ne odio inimicitiarum mearum inflammatus, libentius haec in illum evomere videar quam verius: etenim si praecipuum esse debebat, tamen ita communis erat omnium ille hostis, ut in communi odio paene aequaliter versaretur odium meum. Non potest dici satis, ne cogitari quidem, quantum in illo sceleris, quantum exitii fuerit. Quin sic attendite, iudices. Nempe haec est quaestio de interitu P. 7
Clodii. Fingite animis (liberae sunt enim nostrae cogitationes et quae volunt sic intuentur ut ea cernimus quae videmus) fingite igitur cogitatione imaginem huius conditionis meae, si possim efficere ut Milonem absolvatis, sed ita, si P. Clodius revixerit—quid vultu extimuistis? quonam modo ille vos vivus adficeret, quos mortuus inani cogitatione percussit? Quid? si ipse Cn. Pompeius—qui ea virtute ac fortuna est ut ea potuerit semper quae nemo praeter illum—si is inquam potuisset aut quaestionem de morte P. Clodii ferre aut ipsum ab inferis excitare, utrum putatis potius facturum fuisse? Etiam si propter amicitiam vellet illum ab inferis avocare, propter rem publicam non fecisset. Eius igitur mortis sedetis ultores, cuius vitam si putetis per vos restitui posse, nolitis; et de eius nece lata quaestio est, qui si eadem lege reviviscere posset, lata lex numquam esset. Huius ergo interfector si esset, in confitendo 8
ab iisne poenam timeret quos liberavisset? Graeci homines deorum honores tribuunt iis viris qui tyrannos necaverunt. Quae ego vidi Athenis, quae aliis in urbibus Graeciae! quas res divinas talibus institutas viris, quos cantus, quae carmina! prope ad immortalitatis et religionem et memo-

Only ask yourselves with what feelings you would see Clodius restored to life:

and emulate the gratitude of those who, like the Greeks, paid divine honours to the men who freed their land from tyranny.

iam consecrantur. Vos tanti conservatorem populi, tanti celeris ultorem non modo honoribus nullis adficietis, sed tiam ad supplicium rapi patiemini? Confiteretur, confiteretur nquam, si fecisset, et magno animo et libenter, se fecisse ibertatis omnium causa quod esset ei non confitendum
modo verum etiam praedicandum. Etenim si id non negat 81
ex quo nihil petit nisi ut ignoscatur, dubitaret id fateri ex quo etiam praemia laudis essent petenda? nisi vero gratius putat esse vobis, sui se capitis quam vestri defensorem fuisse; quum praesertim in ea confessione, si grati esse velletis, honores adsequeretur amplissimos. Si factum vobis non probaretur, (quamquam qui poterat salus sua cuiquam non probari?) sed tamen si minus fortissimi viri virtus civibus grata cecidisset, magno animo constantique cederet ex ingrata civitate: nam quid esset ingratius quam laetari ceteros, lugere eum solum
propter quem ceteri laetarentur? Quamquam hoc 82
animo semper omnes fuimus in patriae proditoribus opprimendis, ut, quoniam nostra futura esset gloria, periculum quoque et invidiam nostram putaremus: nam quae mihi ipsi tribuenda laus esset, quum tantum in consulatu meo pro vobis ac liberis vestris ausus essem, si id quod conabar sine maximis dimicationibus meis me esse ausurum arbitrarer? quae mulier sceleratum ac perniciosum civem occidere non auderet, si periculum non timeret? Proposita invidia, morte, poena, qui nihilo segnius rem publicam defendit, is vir vere putandus est. Populi grati est praemiis adficere bene meritos de re publica cives; viri fortis ne suppliciis quidem moveri ut fortiter fecisse
poeniteat. Quam ob rem uteretur eadem confessione T. 83
Annius qua Ahala, qua Nasica, qua Opimius, qua Marius, qua nosmet ipsi; et si grata res publica esset, laetaretur; si ingrata, tamen in gravi fortuna conscientia sua niteretur. Sed huius beneficii gratiam, iudices, fortuna populi Romani et vestra felicitas et di immortales sibi deberi putant: nec vero quisquam aliter arbitrari potest, nisi qui nullam vim esse ducit numenve divinum; quem neque imperii nostri

The greater the risks incurred, the greater is the claim of such men to the gratitude of their fellow-citizens.

But in truth our thankfulness is due, not to Milo, but to that divine Providence which has raised this city to its present glory.

magnitudo neque sol ille nec coeli signorumque motus nec vicissitudines rerum atque ordines movent neque, id quod maximum est, maiorum nostrorum sapientia, qui sacra, qui caerimonias, qui auspicia et ipsi sanctissime coluerunt et nobis
31 suis posteris prodiderunt. Est profecto illa vis; neque in his corporibus atque in hac imbecillitate nostra inest quiddam quod vigeat et sentiat, non inest in hoc tanto naturae et tam praeclaro motu: nisi forte idcirco non putant, quia non apparet nec cernitur; proinde quasi nostram ipsam mentem, qua sapimus, qua providemus, qua haec ipsa agimus ac dicimus, videre aut plane qualis aut ubi sit sentire possimus. Ea vis igitur ipsa quae saepe incredibiles huic urbi felicitates atque opes attulit, illam perniciem exstinxit ac sustulit; cui primum mentem iniecit ut vi irritare ferroque lacessere fortissimum virum auderet vincereturque ab eo, quem si vicisset, habiturus esset impunitatem et licentiam sempiternam. Non est humano consilio, ne mediocri quidem, iudices, deorum immortalium cura res illa perfecta. Religiones me hercule ipsae, quae illam beluam cadere viderunt, commovisse se videntur et ius in illo suum retinuisse. Vos enim iam, Albani tumuli atque luci, vos inquam imploro atque testor, vosque, Albanorum obrutae arae, sacrorum populi Romani sociae et aequales, quas ille praeceps amentia, caesis prostratisque sanctissimis lucis, substructionum insanis molibus oppresserat; vestrae tum vestrae religiones viguerunt, vestra vis valuit, quam ille omni scelere polluerat; tuque ex tuo edito monte, Latiaris sancte Iuppiter, cuius ille lacus nemora finesque saepe omni nefario stupro et scelere macularat, aliquando ad eum puniendum oculos aperuisti; vobis illae vobis vestro in conspectu serae sed iustae tamen et debitae poenae solutae sunt. Nisi forte hoc etiam casu factum esse dicemus, ut ante ipsum sacrarium Bonae deae quod est in fundo T. Sergii Galli, in primis honesti et ornati adulescentis, ante ipsam inquam Bonam deam quum proelium commisisset, primum illud vulnus acciperet quo taeterrimam mortem obiret; ut non absolutus iudicio illo nefario videretur, sed ad hanc insignem poe-

The gods have interposed to punish him who had so sacrilegiously profaned their rites and overthrown their altars.

32 Their vengeance dogged him even after death, by leaving his black and mangled corpse without the honours of a decent burial.

nam reservatus. Nec vero non eadem ira deorum hanc eius satellitibus iniecit amentiam, ut sine imaginibus, sine cantu atque ludis, sine exsequiis, sine lamentis, sine laudationibus, sine funere, oblitus cruore et luto, spoliatus illius supremi diei celebritate, cui cedere etiam inimici solent, amburereretur abiectus. Non fuisse credo fas clarissimorum virorum formas illi taeterrimo parricidae aliquid decoris adferre, neque ullo in loco potius mortem eius lacerari quam in quo

It did indeed seem strange that such a man should be allowed so long to trample on all laws, both human and divine, restrained by none but Milo.

esset vita damnata. Dura, me dius fidius, mihi 87
iam Fortuna populi Romani et crudelis videbatur, quae tot annos illum in hanc rem publicam insultare pateretur. Polluerat stupro sanctissimas religiones, senatus gravissima decreta perfregerat, pecunia se a iudicibus palam redemerat, vexarat in tribunatu senatum, omnium ordinum consensu pro salute rei publicae gesta resciderat, me patria expulerat, bona diripuerat, domum incenderat, liberos coniugem meam vexarat, Cn. Pompeio nefarium bellum indixerat, magistratuum privatorumque caedes effecerat, domum mei fratris incenderat, vastarat Etruriam, multos sedibus ac fortunis eiecerat; instabat, urgebat; capere eius amentiam civitas Italia provinciae regna non poterant: incidebantur iam domi leges quae nos nostris servis addicerent; nihil erat cuiusquam quod quidem ille adamasset quod non hoc anno suum fore putaret. Obstabat 88
eius cogitationibus nemo praeter Milonem: illum ipsum, qui poterat obstare, novo reditu in gratiam quasi devinctum arbitrabatur; Caesaris potentiam suam esse dicebat; bonorum

3 He alone, I repeat, was raised up by Providence to be, unintentionally, the instrument of our deliverance.

There was no hope from any other quarter: the senate was powerless; the consuls, if Milo had been killed, would

animos in meo casu contempserat; Milo unus urgebat. Hic di immortales, ut supra dixi, mentem illi perdito ac furioso dederunt ut huic faceret insidias. Aliter perire pestis illa non potuit; numquam illum res publica suo iure esset ulta. Senatus credo praetorem eum circumscripsisset: ne quum solebat quidem id facere, in privato eodem hoc aliquid profecerat. An consules in 89
praetore coercendo fortes fuissent? Primum Mi-

have become the creatures of Clodius.

lone occiso habuisset suos consules: deinde quis in eo praetore consul fortis esset, per quem tribunum virtutem consularem crudelissime vexatam esse meminisset? Oppressisset omnia, possideret teneret; lege nova, quae est inventa apud eum cum reliquis legibus Clodianis, servos nostros libertos suos fecisset: postremo, nisi eum di immortales in eam mentem impulissent ut homo effeminatus fortissimum virum conaretur occidere, hodie rem publicam nullam haberetis. An ille praetor, ille vero consul, si modo haec templa atque ipsa moenia stare eo vivo tam diu et consulatum eius exspectare potuissent, ille denique vivus mali nihil fecisset, qui mortuus uno ex suis satellitibus duce curiam incenderit? quo quid miserius quid acerbius quid luctuosius vidimus? Templum sanctitatis amplitudinis mentis consilii publici, caput urbis, aram sociorum, portum omnium gentium, sedem ab universo populo concessam uni ordini, inflammari exscindi funestari! neque id fieri a multitudine imperita, quamquam esset miserum id ipsum, sed ab uno! qui quum tantum ausus sit ustor pro mortuo, quid signifer pro vivo non esset ausus? In curiam potissimum abiecit, ut eam mortuus incenderet quam vivus everterat. Et sunt qui de via Appia querantur, taceant de curia, et qui ab eo spirante forum putent potuisse defendi cuius non restiterit cadaveri curia! Excitate excitate ipsum, si potestis, a mortuis. Frangetis impetum vivi, cuius vix sustinetis furias insepulti? nisi vero sustinuistis eos qui cum facibus ad curiam concurrerunt, cum falcibus ad Castoris, cum gladiis toto foro volitarunt. Caedi vidistis populum Romanum, contionem gladiis disturbari, quum audiretur silentio M. Caelius tribunus plebei, vir et in re publica fortissimus et in suscepta causa firmissimus, et bonorum voluntati et auctoritati senatus deditus, et in hac Milonis sive invidia sive fortuna singulari, divina et incredibili fide.

Even when dead he was the cause of mischief, as the burning of the senate-house by Sex. Clodius will testify. What might he not have done, when living?

34 Peroration. Ch. 34—38. But I have said enough, and more

Sed iam satis multa de causa; extra causam etiam nimis fortasse multa. Quid restat nisi ut orem obtesterque vos, iudices, ut eam misericor-

than enough. It now only remains for me to ask your compassion for one who disdains to ask it for himself.

diam tribuatis fortissimo viro quam ipse non implorat, ego etiam repugnante hoc et imploro et exposco? Nolite, si in nostro omnium fletu nullam lacrimam adspexistis Milonis, si vultum semper eundem, si vocem si orationem stabilem ac non mutatam videtis, hoc minus ei parcere. Haud scio an multo etiam sit adiuvandus magis: etenim si in gladiatoriis pugnis et in infimi generis hominum conditione atque fortuna timidos atque supplices et ut vivere liceat obsecrantes etiam odisse solemus, fortes atque animosos et se acriter ipsos morti offerentes servare cupimus, eorumque nos magis miseret qui nostram misericordiam non requirunt quam qui illam efflagitant, quanto hoc magis in fortissimis civibus facere

It almost kills me to hear him continually declare his willingness to leave his country, now that he can leave it safe and prosperous:

debemus! Me quidem, iudices, exanimant et 93
interimunt hae voces Milonis quas audio assidue et quibus intersum quotidie. 'Valeant,' inquit, 'valeant cives mei; sint incolumes, sint florentes, sint beati; stet haec urbs praeclara mihique patria carissima, quoquo modo erit merita de me. Tranquilla re publica mei cives, quoniam mihi cum illis non licet, sine me ipsi sed propter me tamen perfruantur. Ego cedam atque abibo. Si mihi bona re publica frui non licuerit, at carebo mala, et quam primum tetigero bene moratam et

although he cannot but express his bitter disappointment that all his efforts should be thus requited.

liberam civitatem, in ea conquiescam. O frustra 94
(inquit) mihi suscepti labores! o spes fallaces et cogitationes inanes meae! Ego, quum tribunus plebei re publica oppressa me senatui dedissem, quem exstinctum acceperam; equitibus Romanis, quorum vires erant debiles; bonis viris, qui omnem auctoritatem Clodianis armis abiecerant; mihi umquam bonorum praesidium defuturum putarem? Ego quum te (mecum enim saepissime loquitur) patriae reddidissem, mihi putarem in patria non futurum locum? Ubi nunc senatus est quem secuti sumus? ubi equites Romani illi, illi, inquit, tui? ubi studia municipiorum? ubi Italiae voces? ubi denique tua illa, M. Tulli, quae plurimis fuit auxilio vox et defensio? mihine ea soli, qui pro te totiens morti me obtuli, nihil potest opitulari?'

He is, however, confident that his fellow - citizens will not prove ungrateful, having already shewn him so many marks of their esteem.

35 Nec vero haec, iudices, ut ego nunc, flens, sed hoc eodem loquitur vultu quo videtis. Negat enim negat ingratis civibus fecisse se quae fecerit; timidis et omnia circumspicientibus pericula non negat. Plebem et infimam multitudinem quae P. Clodio duce fortunis vestris imminebat, eam, quo tutior esset vestra vita, se fecisse commemorat ut non modo virtute flecteret, sed etiam tribus suis patrimoniis deleniret; nec timet ne, quum plebem muneribus placarit, vos non conciliarit meritis in rem publicam singularibus. Senatus erga se benevolentiam temporibus his ipsis saepe esse perspectam; vestras vero et vestrorum ordinum occursationes studia sermones, quemcumque cursum fortuna dederit, secum se ablaturum esse dicit. Meminit etiam sibi vocem praeconis modo defuisse, quam minime desiderarit; populi vero cunctis suffragiis, quod unum cupierit, se consulem declaratum; nunc denique, si haec contra se sint futura, sibi facinoris suspitionem non facti crimen obstare. Addit haec, quae certe vera sunt, fortes et sapientes viros non tam praemia sequi solere recte factorum quam ipsa recte facta; se nihil in vita nisi praeclarissime fecisse, si quidem nihil sit praestabilius viro quam periculis patriam liberare; beatos esse quibus ea res honori fuerit a suis civibus; nec tamen eos miseros qui beneficio cives suos vicerint; sed tamen ex omnibus praemiis virtutis, si esset habenda ratio praemiorum, amplissimum esse praemium gloriam; esse hanc unam quae brevitatem vitae posteritatis memoria consolaretur, quae efficeret ut absentes adessemus, mortui viveremus; hanc denique esse cuius gradibus etiam in coelum homines viderentur adscendere. 'De me (inquit) semper populus Romanus semper omnes gentes loquentur, nulla umquam obmutescet vetustas. Quin hoc tempore ipso, quum omnes a meis inimicis faces invidiae meae subiciantur, tamen omni in hominum coetu gratiis agendis et gratulationibus habendis et omni sermone celebramur. Omitto Etruriae festos et actos et institutos dies; centesima lux est haec ab interitu P. Clodii et opinor altera; qua fines

In any case, he feels happy in the consciousness of having done his duty, and won for himself a lasting renown, wherever it may be his fate to live.

imperii populi Romani sunt, ea non solum fama iam de illo sed etiam laetitia peragravit. Quam ob rem ubi corpus hoc sit non (inquit) laboro, quoniam omnibus in terris et iam versatur et semper habitabit nominis mei gloria.'

As for myself I know not how I could bear to be separated from him; and that through the act, not of my enemies, but my friends.

Haec tu mecum saepe his absentibus; sed eisdem 99
audientibus haec ego tecum, Milo. Te quidem, quum isto animo es, satis laudare non possum; sed quo est ista magis divina virtus, eo maiore a te dolore divellor. Nec vero, si mihi eriperis, reliqua est illa tamen ad consolandum querela, ut iis irasci possim a quibus tantum vulnus accepero; non enim inimici mei te mihi eripient sed amicissimi, non male aliquando de me meriti sed semper optime. Nullum umquam, iudices, mihi tantum dolorem inuretis (etsi quis potest esse tantus?) sed ne hunc quidem ipsum, ut obliviscar quanti me semper feceritis. Quae si vos cepit oblivio, aut si in me aliquid offendistis, cur non id meo capite potius luitur quam Milonis? praeclare enim vixero, si quid mihi acciderit prius quam hoc

At least, it is consoling to reflect that I have ever done all within my power to testify my affection for him; and that I may still share his lot, whatever that may be.

tantum mali videro. Nunc me una consolatio 100
sustentat, quod tibi, T. Anni, nullum a me amoris nullum studii nullum pietatis officium defuit. Ego inimicitias potentium pro te adpetivi; ego meum saepe corpus et vitam obieci armis inimicorum tuorum; ego me plurimis pro te supplicem abieci; bona, fortunas meas ac liberorum meorum, in communionem tuorum temporum contuli; hoc denique ipso die, si quae vis est parata, si quae dimicatio capitis futura, deposco. Quid iam restat? quid hábeo quod faciam pro tuis in me meritis, nisi ut eam fortunam quaecumque erit tua ducam meam? Non recuso, non abnuo; vosque obsecro, iudices, ut vestra beneficia quae in me contulistis aut in huius salute augeatis aut in eiusdem exitio occasura esse videatis.

7 His lacrimis non movetur Milo; est quodam incredibili robore 101
animi: exilium ibi esse putat ubi virtuti non sit locus; mortem naturae finem esse, non poenam. Sed hic ea mente qua natus est. Quid vos, iudices, quo tandem animo eritis?

Yet I implore you to keep a-

Memoriam Milonis retinebitis, ipsum eicietis? et

mong you the person of him whose memory you will cherish with pride.

erit dignior locus ullus in terris qui hanc virtutem excipiat quam hic qui procreavit? Vos vos appello, fortissimi viri, qui multum pro re publica sanguinem effudistis; vos in viri et in civis invicti periculo appello, centuriones, vosque, milites; vobis non modo inspectantibus sed etiam armatis et huic iudicio praesidentibus haec tanta virtus ex hac urbe expelletur exterminabitur proicietur? O me miserum, o me infelicem! Revocare tu me in patriam, Milo, potuisti per hos; ego te in patria per eosdem retinere non potero? Quid respondebo liberis meis, qui te parentem alterum putant? quid tibi, Quinte frater, qui nunc abes, consorti mecum temporum illorum? mene non potuisse Milonis salutem tueri per eosdem per quos nostram ille servasset? at in qua causa non potuisse? quae est grata gentibus * * non potuisse? iis qui maxime P. Clodii morte acquierunt: quo deprecante? me. Quodnam ego concepi tantum scelus aut quod in me tantum facinus admisi, iudices, quum illa indicia communis exitii indagavi patefeci protuli exstinxi? Omnes in me meosque redundant ex fonte illo dolores. Quid me reducem esse voluistis? an ut inspectante me expellerentur ii per quos essem restitutus? Nolite, obsecro vos, acerbiorem mihi pati reditum esse quam fuerit ille ipse discessus: nam qui possum putare me restitutum esse, si distrahar ab iis per quos restitutus sum?

Can it be that I have been restored to you by his exertions, only to see myself powerless to save him from unmerited disgrace?

This would indeed make my return to Rome more bitter than my departure from it.

38 Utinam di immortales fecissent (pace tua, patria, dixerim; metuo enim ne scelerate dicam in te quod pro Milone dicam pie) utinam P. Clodius non modo viveret, sed etiam praetor consul dictator esset potius quam hoc spectaculum viderem. O di immortales! fortem et a vobis, iudices, conservandum virum! 'Minime, minime,' inquit: 'immo vero poenas ille debitas luerit; nos subeamus, si ita necesse est, non debitas.' Hicine vir patriae natus usquam nisi in patria morietur aut, si forte, pro patria? Huius vos animi monumenta retinebitis; corporis

If it were not unpatriotic, I could almost wish to see Clodius, not only alive, but prætor, consul, dictator, — anything, rather than witness such an event.

Will you expel him whom every other city would

receive with open arms?

in Italia nullum sepulcrum esse patiemini? Hunc sua quisquam sententia ex hac urbe expellet,
quem omnes urbes expulsum a vobis ad se vocabunt? O 105
terram illam beatam quae hunc virum exceperit; hanc ingratam, si eiecerit; miseram, si amiserit! Sed finis sit: neque enim prae lacrimis iam loqui possum; et hic se lacrimis defendi vetat. Vos oro obtestorque, iudices, ut in sententiis ferendis quod sentietis id audeatis. Vestram virtutem iustitiam fidem, mihi credite, is maxime probabit, qui in iudicibus legendis optimum et sapientissimum et fortissimum quemque elegit.

But I forbear: vote as I know you feel; and be assured that no one will approve your verdict more than he who gave you your commission.

NOTES ON CICERO *PRO MILONE.*

CHAPTER I.

§ 1. *Vereor...timere.* Vereri expresses fear springing from a sense of *awe* or *humility;* timere, fear arising from a sense of *danger*, or fear of *punishment.* Comp. Liv. XXXIX. 37: 'veremur quidem, vos, Romani, et si ita vultis, etiam timemus; sed plus et veremur et timemus deos immortales.'

iudices. According to the recent enactment of Pompeius, eighty-one judges were selected by lot out of a list of 360 proposed by himself: this number was reduced to fifty-one by challenge on either side, of whom eighteen were Senators, seventeen Equites, and sixteen Tribuni Aerarii.

haec novi iudicii nova forma, 'the present novel appearance of a novel tribunal.' See Introduction. The ordinary court for the investigation of such a charge as the present would have been that of the praetor whose duty it was to preside over trials for acts of violence; for the 'quaestio de vi publica' had become one of the 'quaestiones perpetuae' since the time of Sulla. The words '*nova forma*' refer to the presence of troops in the Forum.

veterem consuetudinem, 'the long-established routine:'—*pristinum morem*, 'the previous practice.'

§ 2. *non enim...stipati sumus*, 'for your bench is not encircled, as it used to be, by a ring (of listeners); our present body-guard is not the customary throng (of citizens).' Comp. Lucan, *Phars.* I. 319:

> Quis castra timenti
> Nescit mixta foro? gladii quum triste minantes
> Iudicium insolita trepidum cinxere corona,
> Atque auso medias perrumpere milite leges,
> Pompeiana reum clauserunt signa Milonem.

non illa...possimus, ' nor can it be said that those guards whom you observe in front of all the temples, although they have been stationed there to prevent disturbance, do not occasion some disturbance, notwithstanding, to an advocate, so that, protected as we are by defenders as useful as they are necessary, yet we cannot even dismiss fear without a touch of fear.' The two negatives in the first part of this sentence are equivalent to an affirmative. Yet the rhetorical effect of the double negation, *non illa praesidia...etsi...non adferunt tamen*, is much greater than that of the simple affirmation, *illa praesidia...etsi...adferunt tamen.* Halm quotes a

parallel instance from Cic. *de Orat.* II. § 15: 'neque enim quisquam nostrum, quum libros Platonis mirabiliter scriptos legit...non, quamquam illa scripta sunt divinitus, tamen maius quiddam de illo de quo scripta sunt suspicatur.'

pro templis. The temples of Jupiter Stator, Castor and Pollux, Peace, and Concord, were among those that surrounded the Forum.

oratori, to one who is an advocate, and therefore a civilian.

Quae si...cederem tempori. The emphasis is here intended to be laid upon the word '*opposita*:'—'and if I thought that these preparations had been made with any *offensive* design *against* Milo [rather than for his *defence*], I should yield to the force of circumstances.'

reum, 'as defendant.' According to Cicero, reus originally meant any one implicated in an action: see *de Orat.* II. c. 43, § 183: 'reos autem appello non eos modo qui arguuntur, sed omnes quorum de re disceptatur; sic enim olim loquebantur.'

tradidisset...dedere. Tradere, 'to deliver *over*,' or consign to another: dedere, 'to deliver *up*,' or 'resign.'

auctoritate publica, 'with State support.'

§ 3. *denuntiant*, 'are heralds:' comp. *de Off.* I. 11, 'bellum denuntiare ante et indicere.'

neque solum...hortantur, 'and encourage us to feel not merely composed, but even stout-hearted.'

quae quidem est civium, 'which does consist of citizens:' 'quidem' is here used to strengthen the preceding relative, and to bring out more strongly the contrast between the troops and the citizens. In Greek this effect would be produced by the insertion of *καὶ* between the relative and the verb.

neque eorum...putat, 'and there is not one of those whom you perceive intently gazing at us from every spot from which a view can be obtained of any portion of the Forum, and awaiting the issue of the present trial, who, in giving his support to Milo's virtues, does not at the same time think that the decision of this day is one concerning himself, his children, his country, and his property.'

CHAPTER II.

quos...pavit, 'whom the frenzy of Publius Clodius fed upon pillage, and flames, and every species of public disaster.' For this use of the word exitia, comp. Virg. *Aen.* VII. 129:

> haec (fames) nos suprema manebat
> Exitiis positura modum.

hesterna etiam contione, 'even so lately as at yesterday's meeting.' This refers to a public meeting at which Munatius Plancus and other tribunes of the plebs had been haranguing the populace against Milo and Cicero.

ut vobis...quid iudicaretis, 'to dictate to you the verdict which you should give.' The person who recited the form of an oath &c. for another to repeat after him was said voce praeire. Sometimes the word voce is omitted, as in the speech *pro Domo*, ch. 52: 'Ades, ades, Luculle Servili, dum dedico domum Ciceronis, ut mihi praeeatis.'

qui...neglexit, 'who has always paid no heed to that class of persons and their clamours, however loud, where *your* welfare was concerned.'

prae, 'in comparison with.' Comp. *Ep. ad Fam.* V. 9: 'an verear ne qui potentissimorum hominum conspirationem neglexerit prae mea salute...'

§ 4. *adeste animis*, 'preserve your presence of mind.' Comp. *Somn. Scip.* ch. I: 'sed ille, Ades, inquit, animo, et omitte terrorem.' The phrase adesse animo is used in two senses: (1) 'to pay attention,' as in the speech *pro Caecina*, ch. 10: 'is testis, ut facile intelligeretis eum non adfuisse animo, quum ab illis causa ageretur.' (2) 'to be calm and self-possessed.'

amplissimorum ordinum. By the Lex Aurelia, of which the praetor L. Aurelius Cotta was the author (B.C. 70), it was enacted that the judges should be chosen from the three classes of Senators, Equites, and Tribuni Aerarii; but it was customary at this period to speak of the 'iudicia' as divided between the two former, who are here described as 'amplissimi ordines.' See Dr Smith's *Dict. of Antiq.* Art. *Iudex.*

significassent, 'they had intimated:'—*declararent*, 'they should openly express.'

§ 5. *quid enim...potest...*'What situation more painful, more anxious and trying can be described or imagined than that in which we two are placed?' The epithet *laboriosus* is distinguished from *miser* in the second book *de Finibus*, c. 28, § 93: 'nec tamen miser esse,—quia summum id malum non erat,—tantummodo laboriosus (pained) videbatur.' Again, *exercitus* denotes less wretchedness than *miser:* see *pro Plancio*, c. 32, § 78: 'quo quidem etiam magis sum—non dicam miser, nam hoc quidem abhorret a virtute verbum—sed certe exercitus' (tried).

Equidem...subeundas, 'all other storms indeed and hurricanes, at all events, amid the troubled waters of our popular assemblies, I have always thought that Milo must face...but in a court of justice &c.' The antithesis is between *equidem* and *vero*. See Madvig, *Lat. Sprache*, § 459.

§ 6. *quamquam*, 'however.' Comp. *pro Plancio*, ch. I: 'quamquam mihi non sumo tantum, iudices, neque arrogo, ut Cn. Plancium suis erga me meritis impunitatem consecutum putem.'

*T. Annii tribunatu...*Milo became tribune of the plebs in B.C. 57, and as such was very active in opposing the designs of Clodius, and promoting the return of Cicero from exile.

non abutemur, 'we will not take advantage of.' The verb abuti, like the Greek ἀποχρᾶσθαι, is used primarily in the sense of 'to use up,' or 'make full use of;' hence 'to take advantage of,' and so, lastly, 'to misuse.' Comp. *pro Ligario*, ch. I: 'ut ignoratione tua ad hominis miseri salutem abuterer.'

nisi oculis videritis, 'if you do not in the end perceive, as plainly as though you had been eye-witnesses of the fact.' The perfect subjunctive is used with reference to the *future probable* effect of Cicero's own speech upon the minds of his hearers.

populi Romani felicitati. Comp. ch. 20, § 20 and 30, § 83. Also *Philipp.* V. 29, 'exclusit illum a republica...non solum scelus illius sed etiam, ut mihi videtur, fortuna quaedam rei publicae.'

CHAPTER III.

§ 7. *eam orationem*, 'such a line of argument.' Comp. *de Lege Agrar.* I. 7: 'praetermitto omnem hanc orationem...de periculo salutis ac libertatis loquor.' In the next clause most edd. read *nostrae* for *vestrae;* but

the latter is to be preferred, because it is meant to be slightly emphatic by its position before the substantive, as antithetical to the words *in senatu, in contione, &c.*, 'which properly does come under *your* cognizance.'

tandem, 'I should like to know.' Comp. *in Pison.* ch. 24: 'si triumphum non cupiebas, cuius tandem rei te cupiditate arsisse defendes?' *In Catil.* I. 1: 'Quousque tandem abutere' &c. The corresponding Greek word is ποτέ.

nempe in ea...Horatii, 'why, in that city which witnessed the first capital trial,—that of M. Horatius.' According to Livy (I. 26), the praenomen of this Horatius was *Publius*. He was the survivor of the three Horatii who fought with the three Curiatii, in the reign of Tullus Hostilius, and stabbed his sister Horatia at the Porta Capena after his victory over them, for indulging her grief at the loss of one of the brothers to whom she was betrothed. Having appealed from the sentence of the 'duumviri' to the 'populus,' he was acquitted by the latter, mainly through the influence of his father, P. Horatius. See Liv. I. 24-26 and Dionys. III. 13-22. Cicero calls it *primum iudicium*, as being the first trial in which the 'populus' decided a case of life and death. This is also stated by Dionysius (III. 22): γενόμενος δὲ θανατηφόρου κρίσεως τότε πρῶτον ὁ Ῥωμαίων δῆμος κύριος τῇ γνώμῃ τοῦ πατρὸς προσέθετο.

§ 8. *P. Africanum.* His full name was Publius Cornelius Scipio Aemilianus Africanus; he was the son of L. Aemilius Paulus, and adoptive grandson of Africanus the conqueror of Hannibal.

Ahala ille Servilius. C. Servilius Ahala was 'magister equitum' to the dictator L. Cincinnatus, B.C. 439. For an account of the manner in which he killed Sp. Maelius on the ground of conspiracy, see Liv. IV. 13, 14. Cicero again mentions this act with approbation in his first speech *against Catiline*, ch. 1, and in the *Cato*, ch. 16. See Niebuhr, *Röm. G.* II. 475.

P. Nasica. P. Cornelius Nasica, surnamed Serapio, leader of the Senate in the murder of Tib. Gracchus. See Appian, *Bell. Civ.* I. 16, and Plutarch, *Tib. Gracchus*, ch. 19. Mommsen, *Röm. Gesch.* II. 89.

L. Opimius. He was consul B.C. 121, and in that year effected the death of C. Gracchus: see Appian, *Bell. Civ.* I. 21-26, and Plutarch, *C. Gracchus.* On being brought to trial by the tribune Q. Decius, he was acquitted (Cic. *de Orat.* II. 25). Asconius however remarks in a note on the speech against Piso, § 95: 'notum est Opimium...in consulatu Fulvium Flaccum consularem et C. Gracchum tribunicium oppressisse, ob quam invidiam postea iudicio circumventus est et in exilium actus.'

C. Marius. This refers to the murder of Saturninus and his party in the sixth consulship of Marius, B.C. 100. See App. *B. C.* I. 28-32, and Plutarch, *Marius*, 28-30. Cicero afterwards defended Rabirius, a senator, when charged with the murder of Saturninus; see the speech *pro C. Rabirio.*

me consule, senatus. In the proceedings against Catilina and his associates.

nefarius, 'guilty of impiety:'—*sceleratos*, 'stained with crime.'

*eum qui patris...*viz. Orestes: the story forms the plot of the *Eumenides* of Aeschylus.

variatis...liberatum, 'when the votes of his human judges [of the Areopagus] were divided, was acquitted by the vote of a deity, and that too of the goddess most famed for wisdom.'—*sententia*, called 'calculus Minervae.'

§ 9. *duodecim tabulae.* The laws drawn up by the first decemvirs, B.C. 451, were inscribed on ten tables of brass; two more tables were added in the following year by the second Decemvirate. This code

continued to be the basis of Roman jurisprudence down to the time of the emperors; but only fragments of them are now extant.

quoquo modo, 'under any circumstances.'

aliquando, 'upon certain occasions.' Comp. *de Off.* III. 3: 'utilitatem aliquando cum honestate pugnare.'

CHAPTER IV.

Atqui, 'now, surely:' in Greek, καίτοι.

pudicitiam...afferebat. See Plutarch, *Marius*, c. 14; Val. Max. VI. 1, 12.—*propinquus*. He was nephew to Marius.

probus adolescens, 'being a young man of virtue.' Probus is frequently used in the sense of 'virtuous,' as in Hor. *Epod.* 17, 40:

—tu pudica, tu proba
Perambulabis astra sidus aureum.

Atque hunc...liberavit, 'and accordingly, this person being absolved from guilt, was released from his peril by that great man.' For this use of *atque* in the beginning of a sentence comp. *pro Sext.* c. 2, § 3: 'atque ego sic statuo, iudices.'

§ 10. *Est enim...imbuti sumus*, 'there *is* then such a law as this, judges; not written, but inborn; not a law which we have learnt, received from tradition, read in books, but which we have caught, imbibed, sucked in at the breast of Nature herself; at which we have arrived, not by teaching but by our very constitution, not by training but by instinct;—the law, viz. that' &c.

omnis honesta...salutis, 'every method of securing safety would be morally justifiable.'

silent...repetenda, 'for laws are silent amid arms, and do not require that *their* aid should be awaited, when he who might wish to await it, must first suffer an unjust penalty, before a just one can be demanded (from his aggressor).'

§ 11. *ipsa lex.* This was the *Lex Cornelia de sicariis et veneficis*, passed during the dictatorship of Sulla, B.C. 82. 'Lege Cornelia de sicariis et veneficis tenetur qui hominem occiderit...quive hominis occidendi furtive faciendi causa cum telo ambulaverit.' Dig. XLVIII. 8, 1.

quum causa...quaereretur, 'since the question was about the motive, not the weapon.'

Quapropter...in causa, 'let this then be a settled point in the case before us:' comp. *de Off.* III. 49: 'maneat ergo, quod turpe sit, id numquam esse utile.'

CHAPTER V.

§ 12. *contra..factam.* See Introduction, § 5.

illam vero...studiis, 'nay, of *that* (i.e. the act of bloodshed itself) the Senate expressed approval, not only by its resolutions, but even by manifestations of sympathy.'

summum, 'at the most.' Comp. *in Verr.* III. c. 87: 'duo milia nummûm aut summum tria.' See also *pro Mil.* c. 9, § 26.

declarant...criminabitur, 'this is plainly shewn by those harangues, all but cut short by death, of our friend the tribune here who was so badly scorched, in which he used daily to make invidious reflections on my supremacy.' The allusion is to the inflammatory speeches of T. Munatius Plancus Bursa, and others, and especially to the day on which the corpse of Clodius was exposed, when Plancus and his colleagues were driven from the Forum by the flames proceeding from the Senate-house. See Introduction.

ambusti. Perhaps there is a play here upon the word *ambustus*, which may mean both 'scorched' by the flames of the Senate-house, and 'blasted' in character. Comp. Liv. XXII. 35: 'L. Aemilium Paulum, qui cum M. Livio consul fuerat et damnatione collegae et sua prope ambustus evaserat ...ad petitionem compellit.' See also *de Harusp. Resp.* c. 3, § 4.

Quae quidem...gratia. *Potentia*, 'supremacy,' differs from *potestas*, 'civil power;' *auctoritas* is 'moral influence;' *gratia*, 'popularity.'

propter hos officiosos labores meos, 'on account of exertions such as those I am now making from a sense of duty.' *officiosos*, 'dutiful,' as in Cic. *pro Plancio*, § 46: 'quos tu si sodales vocas officiosam amicitiam nomine inquinas criminoso.'

§ 13. *erant enim leges*. E.g. the Lex Cornelia *de Sicariis*, and Plautia *de vi*.

nec tantum...constitueretur, 'nor was the death of Clodius the occasion of so much mourning and lamentation to the Senate that a new form of inquiry should be set on foot.'

cuius enim...erepta. The allusion is to the proceedings against Clodius after his profanation of the mysteries of Bona Dea in the house of Pompeia, Caesar's wife (B.C. 62). The Senate had referred the matter to the Pontifices, who declared it an act of sacrilege; upon which the consuls made a motion for the appointment of an extraordinary tribunal, in which the judges should be selected by the praetor. This being defeated through the influence of the Clodian faction, Hortensius at length yielded to the proposal of Q. Fufius Calenus that the judges should be chosen by lot, as usual. Clodius was then arraigned by L. Cornelius Lentulus Crus, but was acquitted by a majority of the judges. For Cicero's account of these events, see his letters to Atticus, I. ep. 13-16. See also Drumann's *Gesch.* II. 203.

incesto (in-castus), 'sacrilegious.' The term *incestus* was applied to a profanation of religious mysteries by indecency; the violation of a Vestal was also punishable as 'incest.'

oppugnationem...Lepidi. M. Aemilius Lepidus was the first Interrex appointed by the Senate during the disturbances which ensued on the death of Clodius. He was afterwards a triumvir with Octavius and Antonius. See Introduction, § 3.

quia nulla vis...rem publicam, 'because no violence is ever sustained among the citizens of a free state which is not an offence against the commonwealth.'

§ 14. *arma Saturnini*, 'oppressa' must be supplied from the subsequent clause.

e re publica, 'to the advantage of the commonwealth.' Similarly, the phrase *e re mea* means 'to my advantage;' see *ad Att.* V. 8.

CHAPTER VI.

Itaque ego...notavi, 'and so I myself recorded my opinion, since it was plain that there had been bloodshed on the Appian Road, not that one who had acted in self-defence had committed an offence against the commonwealth;—but, as violence and intrigue were mixed up with the affair, I left it to a court of justice to decide the question of guilt (*i.e.* where the guilt lay); the affair itself I stigmatized' (by his vote in the Senate). *Notare* here means 'to mark with disapprobation,' in which sense it occurs again in ch. 11, § 31.

furiosum illum tribunum, 'that raving tribune:' viz. T. Munatius Plancus.

decernebat enim, 'for it was on the eve of deciding.' This was on the motion of Hortensius. The imperfect here expresses the *incompleteness* of the action; *extra ordinem*, by means of a special commission, when the ordinary courts were not sitting.

Divisa sententia est, 'a separate vote was taken.' When a motion consisted of more than one proposition, any member of the Senate might call for a division on each, separately, by crying out '*Divide.*' Hence 'dividere sententiam' meant to take a separate vote upon each part of the proposed resolution. See *ad Fam.* I. 2, § 1. In the present instance the motion before the Senate consisted of two parts; the first declared the killing of Clodius and the disturbances that followed to be offences against the public peace (see § 13); in the second it was proposed that a special commission should be appointed to investigate the matter according to the existing laws (veteribus legibus, tantum modo extra ordinem). The first part of the motion was carried, Cicero himself voting for it; the second was quashed by the veto of Calenus.

postulante nescio quo, 'on the demand of some one or other.' This is probably said in contempt; for Asconius quotes a speech of Munatius Plancus in which the latter names Q. Fufius Calenus as the person.

Sic reliqua...sublata est. According to the Roman constitution, at this period, any one of the tribuni plebis had the power of putting his veto (*intercedere*) on the proceedings of the Senate. In the present instance this veto was exercised by the tribunes Plancus and Sallustius (who, as Cicero intimates, had been bribed by the party of Clodius) against that part of the motion of Hortensius which proposed that Clodius should be tried by a special commission according to the established laws.

§ 15. *At enim*, 'but then we are told that.' *At enim* is often used to introduce an objection; as in Cic. *de Nat. Deor.* II. 27: 'At enim minora dii negligunt...sic enim dicitis, quasi etc.'

rogatione sua, 'by his motion:' see Introduction, § 7. The person who asked for leave to introduce a law was said 'rogare legem.' He was also said 'ferre rogationem,' 'to bring in a bill.

re, 'the fact;' *causa*, 'the issue to be tried.'

facta esset...occisus esset. These verbs are in the subjunctive mood, because Cicero is here bringing forward the objections of others; and therefore, according to the grammatical phrase, speaks in the *oratio obliqua*.

Quid...nempe ut quaereretur, 'What then was his motion? Of course for inquiry.' For this use of *nempe*, comp. ch. 3, § 7.

paret, 'it is patent.' '*Si paret*' was a common legal phrase: see *in Verr.* II. c. 12, § 31.—*Vidit igitur...* 'he saw therefore that even where the *fact* was admitted, a plea of justification might still be sustained.' *In*

with the ablative frequently signifies 'in the case of,' like the Greek ἐπὶ with the dative.

nec vobis...dedisset, 'nor would he have given you as well this letter by which a favourable, as that other by which an unfavourable verdict is pronounced.' 'The iudices voted by ballot, at least generally, and a majority determined the acquittal or condemnation of the accused. Each iudex was provided with three tablets (*tabulae*), on one of which was marked A, *Absolvo;* on a second C, *Condemno;* and on a third N. L., *Non liquet.*' *Dict. of Antiq.* art. *Iudex.*

§ 16. *Iam illud...tempori*, 'that he will soon tell us himself, whether he thought that the course which he adopted of his own accord was due to (the position of) P. Clodius, or to the circumstances of the times.'

CHAPTER VII.

senatus propugnator...paene patronus. M. Livius Drusus, like his father, the opponent of C. Gracchus, was an advocate of the Senate. He took up arms against Saturninus in B.C. 100, and was strongly in favour of limiting the iudicia to the Senate. He was assassinated in his own house. —*avunculus.* A sister of Drusus had married Cato's father.

P. Africano. This was P. Scipio Aemilianus, who was a leader of the aristocracy in his day. Papirius Carbo is mentioned by Cicero as his murderer: *de Orat.* II. 40; *ad Fam.* IX. 21. See also Appian, *B. C.* I. 19, 20.

quem immortalem...mortem, 'who did not burn with grief that in *his* case, whom all were wishing, if it had been possible, to live for ever, not even the inevitable end of life was waited for?' 'Mors necessaria' means death which must overtake a man at the fated time. So *fatum* (destiny) is coupled by Cicero with *natura* in *Phil.* I. c. 4, § 10: 'si quid mihi humanitus accidisset,—multa autem impendere videntur praeter naturam etiam praeterque fatum.' Comp. also Virg. *Aen.* IV. 696:

> Nam quia nec fato merita nec morte peribat,
> Sed misera ante diem subitoque accensa furore.

§ 17. *quia non alio...necantur*, 'because the *guilt* of murder is the same, whether the victims are men of note or no note; let there be a difference between the position in *life* of men in the highest and lowest ranks; but let *death*, at any rate, unlawfully inflicted, be subject (in all cases) to the same laws and penalties.'—*facinore*, 'guilt;' 'criminality.' Comp. Ovid, *Trist.* IV. 4, 43:

> abfuit omne
> Peccato facinus consiliumque meo.

in monumentis maiorum suorum, 'amid the monuments of his ancestors;' i.e. on the Appian Road, which was opened in the censorship of Appius Claudius Caecus, B.C. 312.

proinde quasi...latrocinarentur, 'just as if the celebrated Appius Caecus constructed a road, not for the people to make use of, but as a place where his descendants might with impunity pursue the trade of highwaymen.' The Appian (or Great Southern) Road was first constructed as far as Capua, and afterwards extended to Brundusium.

§ 18. *M. Papirium.* Pompeius having brought Tigranes son of the

king of Armenia a prisoner to Rome, and placed him under the charge of a senator named Flavius, Clodius, when tribune, helped him to escape by means of a stratagem. Flavius in pursuing the fugitive was met by Clodius at a short distance from Rome, and a contest took place in which most of the companions of the former were killed; and amongst them M. Papirius, a friend of Pompeius, and here described by Cicero as 'a most accomplished knight.'

Nunc eiusdem...excitat, 'what pathetic grandiloquence is *now* called forth by the name of this same Appian Road!' Comp. Quintilian, VI. 1, 36: 'in parvis litibus has tragoedias movere tale est quasi personam Herculis et cothurnos aptare infantibus velis.'

Quae cruentata...imbuta est, 'that very road about which when it was stained before by the murder of a respected and guiltless man, not a word was ever uttered, is being constantly brought up, now that it has been dyed with the blood of a brigand and cut-throat.' *Usurpare* is (1) 'to avail oneself of,' or 'put in exercise,' as in the phrase 'libertatem usurpare:' hence (2) 'to resort to,' or 'employ;' as in *Philipp.* II. 28; 'at quam crebro usurpat et "consul" et "Antonius."' The word *parricida* (patricida) has frequently the general signification of 'murderer.'

Comprehensus est...collocarat. This circumstance also occurred during the tribunate of Clodius.

Caruit foro, 'kept away from the Forum.' *Carere* is 'to be without,' and denotes *privation*, simply, whether voluntary or otherwise: *egere* is 'to need,' and implies a feeling of *want:* thus '*carere cibo*' is 'to go without food,' or 'to fast;' but '*egere cibo*' is 'to be in want of food,' or 'starving.'

ianua se...texit, 'he sheltered himself behind doors and walls, not the rights secured to him by laws and courts of justice.'

§ 19. *Atqui si res...fuerunt*, 'yet surely if there ever was an occasion, a man, or a time, so important as to require such steps, these were all of first-rate importance in the case which I have mentioned.'

in vestibulo senatus. The meetings of the Senate were often held in the temple of Castor and Pollux in the Forum.

minus dolendum...minus, 'there was the less cause for grief when the attempt did not succeed, but surely not a whit the less cause for punishment.'

§ 20. *Quotiens ipse...effugi.* Clodius made three attempts upon the life of Cicero; first, before the banishment of the latter; secondly, soon after his return; and lastly, a short time before the present trial; see ch. 14, § 37.

CHAPTER VIII.

Luget senatus...desiderant, 'the Senate mourns, the equestrian order is disconsolate; the whole state is bowed down; the free-towns wear a garb of woe; the colonies are cast down; and finally, the very fields are pining for a citizen so kindly, so useful, so tractable.' *Municipium* was a town governed by its own laws and magistrates, and at the same time possessing the privileges of Roman citizenship. *Colonia* was a settlement of Romans among a conquered race who ceased to be full citizens of Rome, but possessed certain privileges known as the Ius Latinum, Ius Italicum, &c.

§ 21. *sed homo...multa vidit*, 'but being a man of wisdom and deep

thought, endowed with a sort of divine prescience, he took a broad view of things; he saw, &c.'

timuit ne...gratiae, 'he was afraid lest the credit of that reconciliation which had taken place might seem to be in some degree impaired.' Clodius, though at one time a bitter opponent of Pompeius, subsequently supported him when he was aiming at the dictatorship, B.C. 54.

quamvis...iudicaturos, 'that stern as the terms of his own motion were, *you* would still give your verdict boldly.' Comp. Hor. *Od.* II. 24:

> Et cuncta terrarum subacta,
> Praeter atrocem animum Catonis.

neque vero...meos, 'nor is it true, as is commonly asserted by some, that in the selection of the judges he struck out the names of my friends.' For this use of *secernere* comp. *in Catil.* IV. 15, 'hos ego excipio et secerno libenter.'

non enim...multis, 'for *my* popularity is not confined within those intimacies which cannot be extended far, since it is not possible that the closer intercourse of life should exist with more than a few.' The two words *familiaritas* and *consuetudo* occur together in *Ep. ad Fam.* III. 10; 'Familiaritas quotidiana consuetudine augetur.'

non potuit...mei, 'it was impossible for him to pick out men who were not my adherents.'

§ 22. *L. Domiti.* Lucius Domitius Aenobarbus was brother-in-law of M. Cato, and like him an energetic supporter of the aristocratic party in the state. He was praetor in B.C. 58, and defeated in his canvass for the consulship by Pompeius and Crassus in B.C. 55. In the following year he was elected without opposition from either Caesar or Pompeius. Though formerly an opponent of the latter, he had become his friend before B.C. 52, and took his part against Caesar. He fell in the battle of Pharsalia, B.C. 48, and, according to Cicero, by the hand of Antonius. (*Philipp.* II. c. 29, § 71.)

Quod vero...fidem, 'as to his particular wish that *you*, Lucius Domitius, should preside over this inquiry, all he wanted was justice, dignity, politeness, and integrity.'

Tulit...esset, 'he proposed that it should necessarily be a man of consular rank.' Domitius had been consul two years before together with Appius Claudius Pulcher. See note above.

munus, 'office' or 'function,' differs from *officium*, which means 'a duty,' and therefore implies obligation.

creavit, 'he appointed you:' i.e. by his influence in the Senate. Creare is (1) 'to make to be,' and hence (2) 'to make' or 'appoint' officers.

dederas enim...maxima, 'for you had given the strongest proofs ever since you were a young man of your contempt for the wild pranks of demagogues.' Cicero alludes more particularly to the energy with which Domitius, when praetor, dispersed a mob led by the tribune Cn. Manlius against the Capitol.

CHAPTER IX.

§ 23. *Si neque...disceptet*, 'if the avowal of an act is not in all cases unusual; if there has been no judgment passed by the Senate on our case otherwise than in accordance with our wishes; if the mover of the law

himself wished that, though there was no dispute about the *fact*, the question of *right* should notwithstanding be discussed; if the judges were picked men, and the president appointed was one who would fairly and wisely investigate the subject.'...*Disceptare* has two meanings: (1) 'to discuss' or 'debate,' when several persons are engaged; (2) 'to examine into' or 'investigate,' when one person is engaged, as in the speech *pro rege Deiotaro*, ch. 2: 'Hanc enim, C. Caesar, causam si in foro dicerem, eodem audiente et disceptante te, quantam mihi alacritatem populi Romani concursus afferret.'

uter utri insidias fecerit, 'which of the two plotted against the life of the other.' Comp. Hor. *Epist.* II. 1, 55:

> Ambigitur quoties uter utro sit prior, aufert
> Pacuvius.

Also Virg. *Aen.* IV. 371:—'quae quibus anteferam.'

rem gestam, 'the facts as they occurred.'

§ 24. *videretque...posset*, 'and seeing that the comitia in the preceding year had been so protracted that he could not hold the praetorship many months.' The consuls of the year preceding that in which the trial of Milo took place were Cn. Domitius Calvinus and M. Valerius Messala. The consuls held the comitia for the election of their successors and the praetors; and, according to Dion Cassius (XL. 45), Calvinus and Messala had not been able to enter upon office before six months of the new year had expired: ὥστε μόλις ἑβδόμῳ μηνὶ τόν τε Καλουῖνον καὶ τὸν Μεσσαλᾶν ὑπάτους ἀποδειχθῆναι. The election of the praetors seems to have been equally delayed.

qui non...spectaret, 'as the mere promotion to a higher rank was not *his* object.' *Qui* has here a *causative* signification, and is therefore followed by a subjunctive. The Greek ὅστις is sometimes employed in the same manner.

L. Paulum. Lucius Aemilius Paulus belonged to the family of the Lepidi, being a brother of M. Lepidus the triumvir. He favoured the aristocratical party, and exerted himself in favour of Cicero's recall in B.C. 57. In 53 he was praetor, and succeeded to the consulship in 50, together with M. Claudius Marcellus. He was afterwards proscribed by his own brother Lepidus, but escaped to Asia. Cicero describes him as 'hominem ad conservandam rem publicam natum;' *in Vatin.* c. 10, § 25.

reliquit annum suum, 'he went out of his proper year.' Candidates for the praetorship were required to be forty years of age by the law of the tribune L. Villius Annalis, B.C. 179. See Liv. XL. 44. A person resigning one of the offices of the state could not be a candidate for the next higher office that fell to his lot, until a period of two years had expired. Clodius had been curule aedile in B.C. 56, and was therefore eligible for the praetorship in B.C. 53.

non religione aliqua, 'not in consequence of any religious scruple:' i.e. not because he had observed the auspices to be unfavourable to his election. See *Dict. of Antiq.* art. *Auspicium.—ut fit*, 'as is the practice;' see § 28.

§ 25. *Occurrebat...Milone*, 'the thought was continually suggesting itself that his praetorship would be crippled and powerless, if Milo were consul.'

Debilis (de-habilis) is primarily applied to a person who has not the full use of his limbs, and is therefore disabled. *Mancus* is 'crippled' or 'maimed,' as in Iuv. *Sat.* I. 3, 48:

> atque ideo nulli comes exeo, tanquam
> Mancus et exstinctae corpus non utile dextrae.

Eum porro...videbat, 'he saw, again, that Milo was on the point of becoming consul with the hearty concurrence of the Roman people.' *Porro* (the Greek πόῤῥω) is (1) 'further on,' and hence (2) 'furthermore,' or 'again.' Comp. *de Senect.* c. 43: 'saepe a maioribus natu audivi, qui se porro pueros (that *they* again when boys) a senibus audivisse dicerent.' The present infinitive *fieri* is used because Milo was still only a candidate.

contulit se...gubernaret, 'he attached himself to *his* (i.e. Milo's) fellow-candidates, but on condition that he should have the sole direction of the entire canvass himself, and should even be allowed to act against their wishes.' Milo's competitors were P. Plautius Hypsaeus and Q. Metellus Scipio. See Introduction.

convocabat tribus, 'he was for assembling the tribes.' There were at this time thirty-five tribes: for an explanation of the *tribes* being mentioned in connexion with the election of consuls at the comitia *centuriata*, see *Dict. of Antiq.* art. *Tribus.*

se interponebat, 'he offered his services as an agent;' i.e. for the purpose of distributing the money of the candidates among the voters.

Collinam...conscribebat. The Colline was one of the four city-tribes, and seems to have consisted of the dregs of the free population. Cicero appears to mean that Clodius by buying the votes of abandoned men, who were perhaps not legally qualified to be on the register at all, attempted (*conscribebat*) to enrol a new Colline tribe.

Quanto ille...convalescebat, 'the greater was the stir made by the one [Clodius], the faster did the other [Milo] gather strength day by day.'

idque intellexit...declaratum, 'and was aware that this had frequently been made manifest not only by the common conversation but also by the votes of the people of Rome.' He alludes here to the frequent interruption of the comitia by disturbances; but intimates that the votes as far as they had been allowed to proceed had been strongly in favour of Milo.

§ 26. *Servos agrestes et barbaros*, 'rude and boorish slaves.' Clodius appears to have kept a large gang of slaves on his estates in Etruria, close to the Aurelian Road: comp. *Philipp.* XII. c. 9, 'Restat Aurelia; hic quidem etiam praesidia habebo; possessiones enim sunt P. Clodii. Tota familia occurret; hospitio invitabit propter familiaritatem notissimam.'

Etenim...contione, 'he used indeed repeatedly to say in public that although Milo could not be robbed of his *consulship*, he might of *life:* he often *hinted* as much in the Senate; he actually *said* it at a public meeting.'

qua spe fureret, 'what mad hope he was indulging.' In the next sentence translate *quam vocem eius*, 'and this remark of his;' *hunc Catonem*, 'Cato here:' in Greek, τὸν Κάτωνα τουτονί. Favonius bore the nickname of 'Cato's ape,' and is described by Plutarch as ζηλωτὴς Κάτωνος.

CHAPTER X.

§ 27. *Lanuvium*, or, as it was sometimes written, *Lavinium*, was situated on a hill projecting from the western side of the Mons Albanus, and distant about seventeen miles from Rome (Appian, *B. C.* II. 20). Its modern name is *Civita Lavigna;* see Gell's *Topography of Rome and its Vicinity*, art. *Lanuvium.*

ad flaminem prodendum, 'to declare the election of a Flamen.' The Flamen was a priest devoted to the service of some particular deity. This we learn from Cicero *de Legg.* II. 8: 'divisque aliis alii sacerdotes, omnibus

pontifices, singulis flamines sunto.' Juno Sospita was the goddess principally worshipped at Lanuvium; comp. Liv. XXIII. 31: 'signa Lanuvii ad Iunonis Sospitae cruore manavere:' see also VIII. 14, XXIV. 10. The phrase *prodere Interregem* also occurs in the speech *pro Domo sua*, c. 14, and Livy, III. 40.

dictator Lanuvii. There were sometimes two chief magistrates in Roman 'municipia,' called *Duumviri;* where there was only one, he was called either *Dictator* (as at Tusculum, see Livy, III. 18), or *Praetor,* as at Fundi; see Hor. *Sat.* I. 5, 34:—

Fundos Aufidio Lusco praetore libenter
Linquimus.

The chief-magistrate of Arpinum had the title of *Aedilis.*

quod re intellectum est, 'as the event proved.'

contionem turbulentam. This was a meeting at which the tribunes C. Sallustius Crispus and Q. Pompeius endeavoured to incite the people against the election of Milo to the consulship. Comp. § 45.

obire facinoris locum tempusque, 'to be punctual at the time and place appointed for his enterprise.' For this sense of the verb *obire,* compare *Laelius,* c. 2: 'tu non adfuisti, qui diligentissime semper illum diem et illud munus solitus esses obire.' See also *Philipp.* III. c. 8, § 20.

§ 28. *calceos mutavit.* Senators wore buskins, fastened with four straps of black leather, and adorned with a small crescent (lunula). Comp. Hor. *Sat.* I. vi. 27:—

Nam ut quisque insanus nigris medium impediit crus
Pellibus et latum demisit pectore clavum.

The phrase 'mutare calceos' meant also 'to become a senator:' thus Cicero, speaking of Asinius, says: 'est etiam Asinius quidam senator voluntarius...mutavit calceos; Pater conscriptus repente factus est.' *Philipp.* XII. c. 13. Some of the shoes worn by senators were called *alutae,* because they were made of leather softened with alum: see Iuv. *Sat.* VII. 192:

nobilis et generosus
Adpositam nigrae lunam subtexis alutae.

paulisper...commoratus est, 'he waited a little time, whilst his wife was making the usual preparations.' Perhaps the speaker here indulges in a little humour at the expense of the female sex. Heumann compares Terence, *Heautont.* II. 2, 11: 'mulieres dum moliuntur, dum comuntur, annus est.' Quintilian adduces the whole of this passage beginning at 'Milo autem' as an instance of the skill of the orator in contrasting the composure of Milo with the hurried departure of Clodius (IV. 2, 57). Milo was married to Fausta, daughter of Sulla the dictator.

si quidem, 'if Clodius really meant to return to Rome.'

expeditus, 'lightly equipped,' i.e. ready for action: comp. *contra Rullum,* c. 2: 'ad vim promptus, ad seditionem paratus, ad caedem expeditus.'

nulla reda. The *reda* was a family-coach on four wheels, used for travelling. Comp. Iuv. *Sat.* I. 3, 10:

Sed dum tota domus reda componitur una,
Substitit ad veteres arcus madidamque Capenam.

nullis impedimentis, 'without any luggage:' literally, 'with no encumbrances.' The 'Greek followers' mentioned in the next clause consisted probably of musicians, jesters, and others kept for his entertainment. Comp. ch. 20.

sine uxore. Fulvia was the wife of Clodius; she afterwards married Antonius. See Introduction.

quum hic...comitatu, 'whereas this (supposed) conspirator, who (as we are told) had specially arranged that journey with a view to the commission of murder, was riding with his wife in a coach, wrapped in his travelling-cloak, with a large and cumbersome, effeminate and dainty retinue of waiting-maids and singing-boys.' Comp. ch. 20. Observe the use of the subjunctive *apparasset* in adverting to the statements of others. *Paenulatus* is opposed to *expeditus* in the preceding sentence.

§ 29. *hora...secus,* 'at about half-past four o'clock in the afternoon, or not far off it,' i.e. not much *before* that time. Asconius says that they met 'circa horam *nonam*' (Introd. § 3). The indefiniteness of the expressions *fere* and *non multo secus* betrays a consciousness of weakness. It was important to Cicero's own account of the meeting to make it take place as *late* as possible. The witnesses on the part of the prosecution had stated that Milo was lying in wait for Clodius at Bovillae at about *two* o'clock p.m. (Quintil. VI. 3, 49). This statement is confirmed by Asconius, who says that the body of Clodius was brought to Rome before the first hour of the night (6.30 p.m.). See Introd. § 3. As Bovillae was 10 Roman miles from the city, this would have been impossible, if the encounter did not take place till four o'clock. Compare also the statement of Q. Metellus Scipio that Milo set out on his journey 'post horam quartam' (Introd. § 6).

in hunc, 'on the defendant.' In the next clause translate *adversi,* 'those in front:' so Cicero uses the phrase *adversi dentes* for 'the front teeth,' *de Nat. Deor.* II. 54. 'Pars haec narrationis aliquanto turbatior est. Sine dubio in ea multa finguntur, verum hanc omnem confusissimam permixtionem cursim praetervolat.' *Schol. Bob.*

qui animo...praesenti fuerunt. Comp. Virg. *Aen.* V. 363:

> Nunc si cui virtus animusque in pectore praesens
> Adsit.

quum viderent...pugnari, 'as they saw that a fight was going on by the side of the coach.'

fecerunt...voluisset, 'the slaves of Milo did (and I shall not say this for the purpose of shifting the charge from him to others, but state the fact just as it took place), they did, I say, without the orders or the knowledge or the presence of their master, that which every one of you would have wished his own slaves to do in like circumstances!' Comp. Demosth. *in Mid.* *ἐγὼ δ', ὅπερ ἂν ὑμῶν ἕκαστος ὑβρισθεὶς προείλετο πρᾶξαι, τοῦτο καὶ αὐτὸς ἐποίησα.*

derivandi criminis. *Derivare* is, literally, 'to divert the course of a stream;' and hence 'to turn off' an accusation from oneself, so as to make it fall on others. Comp. *ad Att.* IV. 3: 'Id poterat infitiari; poterat in alios derivare.'

CHAPTER XI.

§ 30. *Haec...audacia est,* 'Such, judges, were the facts, which occurred precisely as I have stated them; a conspirator was overcome; force was repelled by force, or rather, I should say, effrontery was overpowered by valour.'

si non iure...defendam, 'if his act could not be justified, then I have no defence to offer.'

ratio, 'right reason;' *mos*, 'custom.'

§ 31. *iugulari*, as we should say, 'to have his neck imperilled.'

Sin hoc...iniuria, 'but if this is not the opinion held by any one of you, then the point now to be decided is, not whether he was killed, which we admit, but whether he was killed justifiably, or not.'

notavit. See notes on § 14.

si hic...solvamur, 'if the defendant plotted against the life of the deceased, let him not go unpunished; if deceased plotted against the life of the defendant, then let *us* be acquitted of crime.' For the phrase *ut ne sit impune*, comp. Liv. I. 58; 'haud impune adultero fore:' and Plautus, *Merc.* IV. 6, 4, 'id si rescivit uxor, impune est viro.'

CHAPTER XII.

§ 32. *in illa tam audaci, tam nefaria belua*, 'in the case of a monster of such daring impiety.'

Itaque illud Cassianum...valeat, 'and therefore let the famous test of Cassius, "for whose advantage was it?" hold good in the case of the characters before us.' L. Cassius Longinus was famed for his severity as a judge, and according to Valerius Maximus his tribunal was called *scopulus reorum* (III. 7). The saying here mentioned is often referred to by Cicero; as in his speech *pro Rosc. Amer.* c. 84; 'Lucius Cassius ille, quem populus Romanus verissimum et sapientissimum iudicem putabat, identidem in causis quaerere solebat CVI BONO FVISSET. Hunc quaesitorem ac iudicem fugiebant atque horrebant ii quibus periculum creabatur, ideo quod, tametsi veritatis erat amicus, tamen natura non tam propensus ad misericordiam quam implicatus ad severitatem videbatur.' For the use of the word *persona*, meaning 'character,' comp. *pro Cluent.* c. 29: 'huius Staieni persona ab nulla turpi suspicione abhorrebat.'

emolumento, 'self-interest.' *Emolumentum* (derived from *e* and *molere*) means 'grist,' and hence 'profit.' *Fraus* is here used for 'a treacherous' or 'dishonourable act,' as in the speech *pro Roscio Am.* c. 21: 'haec te opinio falsa in istam fraudem impulit.'

quo sceleris nihil facere posset, i. e. quo consule.

posse se eludere, 'he might have full swing,' or 'full play.' This reading is more forcible and better supported than the common reading *rem publicam eludere*, 'baffle the state.' Comp. *de Legg.* II. c. 21: 'sed quod iidem iuris civilis estis peritissimi, scientia illa (others read *illam*), eluditis.' The metaphor is taken from the art of fencing.

corroboratam iam vetustate, 'now grown inveterate by time.'

§ 33. *vestrae...inusturus*, 'are *your* ears abroad and unacquainted with the common talk of the whole state, about the laws for the commonwealth (if laws they should be termed, and not rather firebrands and scourges for the city) with which that man was on the point of saddling us all, and branding us indelibly?' (as his slaves.) For the use of the word *peregrinantur*, comp. Aristoph. *Eq.* 1120, ὁ νοῦς δέ σου παρὼν ἀποδημεῖ.

Exhibe...vestrarum, 'Out, Sextus Clodius, out with your portfolio of laws.'

tamquam Palladium. See Virg. *Aen.* II. 162—170. A wooden image of Minerva called Palladium, said to have been brought by Aeneas to Italy,

was preserved at Rome in the temple of Vesta, under the care of the vestal virgins. (Ov. *Trist.* III. 1, 29.) Pliny mentions that a Roman named Metellus was struck with blindness in attempting to save it, when the temple of Vesta was on fire. Plin. *H. N.* VII. 43.

ut praeclarum...posses, 'that you might, I suppose, present it to some one as a precious boon, and an engine of tribunitian power, if you could have got anybody to hold the office of tribune on your own terms.' *Instrumentum* is used for 'a code' or 'repertory' of laws by Suetonius, *Vespas.* c. 8: 'undique investigatis exemplaribus, instrumentum imperii pulcherrimum ac venustissimum confecit, quo continebantur pene ab exordio Urbis senatus consulta.'

** *An huius...reprehensio est.* This passage is not found in any of the existing MSS. It consists of two fragments put together by Garatoni, and inserted here by Peyron. The first from *an* to *dicere* is quoted by Quintilian as an example of '*aposiopesis*' (*Inst.* IX. 2). The remainder occurs in a note of the Scholiast on Cicero's speech *de aere alieno Milonis*, edited by Mai, p. 346. But there is still a chasm to be supplied to complete the sense of the words *huius legis*. Halm.

a se inventam gloriatur, 'is so proud of as his own foundling.'

et adspexit...curiae,—(turning to the judges), 'aye, and he gave me just that look which he used to do when he was breathing nought but menaces against everybody and everything. No wonder I am made uneasy by this shining light of the Senate-house!' Quintilian cites these words as an example of 'brevior a re digressio.' (IX. 2.) The allusion is to the proceedings of Sextus Clodius after the death of Publius: see Introduction, § 3. In the use of the words *lumen curiae*, there is what the French would call a 'double-entendre,' containing an allusion to the burning of the Senate-house, as well as a bitter sarcasm against the character of Sextus Clodius. For this ironical use of *quippe*, comp. Virg. *Aen.* IV. 218:

nos munera templis
Quippe tuis ferimus, famamque fovemus inanem.

CHAPTER XIII.

punitus es. For other examples of the active signification of the verb *punior*, see *Philipp.* VIII. c. 2; *Tusc. Disp.* I. c. 44.

tu in publicum abiecisti, '*you* flung it into the open streets.' The usual custom was to wash the corpse and lay it out in the entrance-hall of the house, with its feet towards the door. For other particulars see *Dict. of Antiq.* art. *Funus.*

spoliatum imaginibus, 'robbed of its images:' i.e. images of the ancestors of the deceased, which were carried in procession before the corpse.

exsequiis. The word *exsequiae* was applied particularly to the funeral *procession:* thus Tacitus speaks of a body of troops marching silently, and like a long funeral procession,—'silens agmen et velut longae exsequiae,' *Hist.* IV. 62.

pompa, 'pageant.' *Pompa* embraced all the accompaniments of the procession added for the sake of display. Comp. Corn. Nep. *Att.* c. 22: 'elatus est...sine ulla pompa funeris, comitantibus omnibus bonis.'

laudatione, 'panegyric.' When the deceased was a person of note, the procession usually passed through the Forum, and a panegyric was delivered from the Rostra. See *Dict. of Antiq.* art. *Funus.*

infelicissimis lignis semiustilatum, 'charred and blackened on a pile of most unlucky faggots:' i.e. not burnt decently and honourably upon a regular funeral pile, but only half-burnt by the conflagration of the benches, &c. in the Senate-house (*Introd.* § 3). These are described as 'unlucky' or 'ill-omened faggots,' just as 'infelix *lignum*' means the unlucky gallows-tree. Compare the use of the plural *infelicia ligna* by Catullus in his Ode *in Annales Volusii* (XXXVI. 8):

> Vovit, si sibi restitutus essem,
> Electissima pessimi poetae
> Scripta tardipedi deo daturam
> Infelicibus ustilanda lignis.

crudelitatem exprompsisti tuam, 'you gave vent to the whole cruelty of your character.' *Expromere* is 'to draw out,' as from a vessel or store-house. Comp. Plaut. *Mil.* IV. 2, 64, 'exprome benignum ex te ingenium.'

§ 34. * * * *fuerit.* The gap at the beginning of this section is filled up by Halm and other editors with the words 'audistis, iudices, quantum Clodii interfuerit occidi M.'

quid erat...optaret, 'what reason was there why *Milo* should—I will not say, commit the deed (himself) but—wish for its commission (by others)?' The phrases *admittere scelus*, *facinus*, &c. are used, sometimes with, and sometimes without, the addition of the words *in se:* see ch. 37, § 103; *Off.* III. 25.

At eo...magis, 'yes but he was going to be made consul notwithstanding his opposition; nay, all the more so on account of it.' The imperfect *fiebat* refers to the *progress* of the election. In the next sentence *suffragator* means 'a supporter,' one who not only voted for a candidate, but actively promoted his election.

solutam, 'if let loose;' *rerum novarum*, 'of a revolution;' *constringere*, 'to tie it down,' i.e. by means of laws, the metaphor being taken from tying up an animal, so as to prevent it from doing mischief: comp. *pro Sext.* c. 41: 'ut illum...legum, si posset, laqueis constringeret.'

usitatis rebus, 'by ordinary means.' These words are antithetical to those at the beginning of the next sentence.—*iam*, 'henceforth.'

exercitationem, 'opportunity for practising.'

suffragationem consulatus, 'the support that was given him (in his canvass) for the consulship.'

temptari coeptus est, 'has begun to be attacked:' comp. *pro Rosc. Am.* c. 51: 'summa respublica in huius periculo tentatur.'

§ 35. *At valuit odium*, 'ah, but (it will be said) there was the strong motive of hatred:' comp. Liv. XXXVIII. 28, 'metus ad omnes valuit, ne deditionem recusarent.'—*iratus*, 'in a passion.'

punitor doloris sui, 'an avenger of the mortification which he felt.' So Cicero speaks of the 'cupiditas puniendi doloris,' *de Orat.* I. c. 51.

quid enim...odimus, 'for what enmity could Milo have felt towards Clodius, by whom he had reaped glory, and achieved renown, beside that political enmity which we feel towards all bad men?' *Civile odium* is enmity felt by one citizen towards another on *political* or *social* grounds, as distinguished from that which is *personal.* Comp. *de Nat. Deor.* II. c. 30: 'atqui necesse est, quum sint di...animantes esse, nec solum animantes, sed etiam rationis compotes, inter seque quasi civili conciliatione et societate coniunctos.'

Ille erat ut odisset, 'there *was* a reason for *his* hating one who was &c.' Comp. *de Divin.* I. 56, 'Non est igitur ut mirandum sit:' the pronoun *ille* is put first for the sake of antithesis.

lege Plotia. The Lex Plotia was directed against the carrying of arms for the purpose of committing outrages.

reus Milonis, 'under an indictment by Milo;' this was for an assault on the workmen engaged in the rebuilding of Cicero's house.

CHAPTER XIV.

§ 36. *Reliquum est...coarguant*, 'there remains the argument that after all (*iam*) the natural disposition and habits of the deceased himself are in his favour, whereas the defendant in these respects stands condemned.' This and the next sentence are spoken ironically. There seems to be an allusion here to the circumstance mentioned by Dion Cassius, who says that Clodius actually had preferred an indictment against Milo for offences similar to those with which he was himself charged: Κλώδιος γραφὴν κατὰ τοῦ Μίλωνος τῆς τῶν μονομάχων παρασκευῆς ἀπήνεγκεν· ἃ γὰρ αὐτὸς ἔπραττε, καὶ ἐφ' οἷς ἐκρίνετο, ταῦτ' ἐκείνῳ ἀντενεκάλει. (XXXIX. 18.)

diem mihi, credo, dixerat, 'he had given notice of a day, I suppose, for my trial.' *Credo* is here used ironically. The phrase *diem dicere alicui* was generally used in state-trials, when a magistrate named a day on which he would accuse a person of some specified offence. Comp. Plaut. *Captivi:*

> His diem dicam; inrogabo multam.

multam inrogarat, 'had moved for the imposition of a fine.' *Multam inrogare* was to bring in a bill (*rogatio*) for the imposition of a fine, its nature and amount being specified therein. At the conclusion of the inquiry, the magistrate promulgated a 'rogatio,' containing both the charge and the punishment or fine proposed to be inflicted. This 'rogatio' was published during three nundinæ, and then brought forward at the comitia for adoption or rejection. For lesser offences, for which the penalty was only a fine (*multa*), the 'rogatio' was moved in the comitia tributa; for capital offences in the comitia centuriata. *Dict. of Ant.* art. *Iudex.*

actionem perduellionis intenderat, 'he had laid an impeachment for high treason.' Clodius had only threatened Cicero with such an impeachment by his proposition that any one who might have caused the death of a Roman citizen who had not been legally condemned should be 'interdicted from fire and water,' this being the penalty assigned to treason. Cicero evaded the trial by his voluntary exile. The more common term for treason in the Roman law was *Crimen maiestatis*, or more fully, *laesae maiestatis*. *Perduellis* originally meant 'a public enemy.'

et mihi...fuit, 'and *I* forsooth had reason to dread a trial, in a cause which, instead of being yours and a most glorious one, was a bad cause, or one in which I only was concerned.'

Servorum...nolui. Cicero here gives his own version of the real motive which induced him to 'retire' from Rome, as he expresses it (*urbe cessi*).

§ 37. *C. Vibienus.* According to Asconius (*Introd.* § 3), a Vibienus was crushed to death in the riots that took place after the death of Clodius. But this was not the occurrence here alluded to by Cicero, nor does he make any mention of the death of Vibienus in his speech *pro Sextio*, § 26.

itaque, 'and so,' i. e. on account of his escape from punishment.

haec intentata nobis est, 'it was this dagger which was pointed at me:' viz. before his exile. The next words refer to his withdrawal from Rome.

haec insidiata Pompeio est. See § 18.

haec istam...cruentavit. See § 18.

longo intervallo, five years afterwards (B. C. 53), when Cicero was one of Milo's supporters in his canvass for the consulship.

nuper quidem...confecit. Asconius conjectures that Cicero refers to a contest that took place in the preceding year in the Via Sacra between the supporters of Milo and those of Hypsaeus in canvassing for the consulate, the leaders of whom were Cicero on one side, and Clodius on the other:—*ad regiam*, i. e. the palace of Numa in the Via Sacra.

§ 38. *cuius vis...teneret.* Comp. *de Off.* II. 17: 'sed honori summo nuper nostro Miloni fuit quod gladiatoribus emptis reipublicae causa, quae salute nostra continebatur, omnes P. Clodii conatus furoresque repressit.' See also *pro Sext.* c. 42, § 92; *ad Att.* IV. 3.

quum domum...defenderet. Cicero refers to this attack on one of Milo's houses in a letter to Atticus (IV. 3): 'Milonis domum, eam quae in Germalo, pridie Idus Novemb. expugnare et incendere ita conatus est ut palam hora V. cum scutis homines eductis gladiis, alios cum accensis facibus adduxerit.'

P. Sestio collega suo vulnerato. For an account of this proceeding, see *pro Sext.* c. 37. P. Sextius, or Sestius, was tribune of the plebs with Milo in B. C. 57, and exerted himself to obtain the recall of Cicero in that year. Like Milo, he kept a body of armed gladiators, who had frequent rencontres in the streets with the partisans of Clodius, in one of which Sextius was severely wounded and left for dead. He was afterwards brought to trial for violence (*de vi*) by Clodius, and defended by Cicero in a speech still extant.

Q. Fabricio...pulso. Comp. *pro Sext.* c. 35: 'princeps rogationis, vir mihi amicissimus, Q. Fabricius, templum aliquanto ante lucem occupavit... Quid illi quorum consilio P. Sestius in iudicium vocatur? quo se pacto gerunt? Quum forum, comitium, curiam multa de nocte armatis hominibus ac servis plerisque occupavissent, impetum faciunt in Fabricium, manus adferunt, occidunt nonnullos, vulnerant multos...caedem in foro maximam faciunt.' Fabricius was another tribune of the plebs who took the part of Cicero in B. C. 57, and proposed a motion for his recall in the January of that year, which was defeated by Clodius in the manner described above.

L. Caecilii...oppugnata domo. L. Caecilius Rufus was praetor in 57. Asconius mentions a disturbance that took place in a theatre during a time of scarcity, whilst he was holding the Ludi Apollinares. There is an allusion to his services in promoting Cicero's recall in the speech *Post. red. in sen.* c. 9.

quum totius Italiae concursus...vindicaret, 'when the assembled multitudes from every part of Italy, who had been roused by the news of my restoration, would have willingly acknowledged the splendour of such a deed, so that, even though Milo had been the real author, the whole state would claim the glory of it as its own.' The words *totius Italiae concursus* refer to the crowds that assembled in the provinces and at Rome, to welcome the return of Cicero.

CHAPTER XV.

§ 39. *At quod erat tempus?...* 'Now, what were the circumstances of the period? There was a most brave and distinguished consul, who was an enemy to Clodius, &c.'

P. Lentulus. This was P. Cornelius Lentulus, surnamed Spinther, who was consul in 57 together with Metellus Nepos.—*defensor vestrae voluntatis*, 'the champion of your will.'—*patronus illius publici consensus*, 'a chief promoter of the general unanimity which then prevailed.'

septem praetores, octo tribuni plebis. Comp. *in Pison.* c. 15: 'De me quum omnes magistratus promulgassent, praeter unum praetorem (viz. Appius Claudius,) a quo non fuit postulandum, fratrem inimici mei, praeterque duos de lapide emptos tribunos plebis (viz. Sext. Atilius Serranus and Numerius Quinctius), legem comitiis centuriatis tulit P. Lentulus consul de collegae Q. Metelli sententia.'

gravissimam et ornatissimam, 'very weighty and most gracefully expressed.'

qui populum R. Comp. *pro Sext.* § 107: 'habuit de eodem me P. Lentulus consul contionem...productus est ab eo Cn. Pompeius, qui se non solum auctorem meae salutis sed etiam supplicem populo Romano praebuit.'

decretum Capuae. This refers to a decree made at Capua on the motion of Pompeius, as Duumvir, demanding Cicero's recall. Comp. *in Pis.* c. 11: 'me Campania principe Cn. Pompeio referente revocarunt.' Deputations also from other towns of Campania went to Rome at his desire to assist in carrying the law for his return.

signum dedit, 'gave the signal:' we find this expression with reference to the same event in the speech against *Piso*, ch. 15: 'mei capitis servandi causa Romam uno tempore, quasi signo dato, Italia tota convenit.'

quem qui...cogitaretur, 'and whoever had put him (Clodius) to death just then,—people would not have thought about allowing that man to go unpunished merely, but about the rewards that they should confer on him.'

§ 40. *in iudicium bis...vocavit.* One of these occasions is adverted to by Cicero in § 35; the second is not known.

privato Milone...factus est. Comp. notes on § 36, and for a detailed account of the proceedings against Milo for violence by Clodius, see Cicero's letter to his brother Quintus, Book II. ep. 3. From his description, and the statement of Dion Cassius (XXXIX. 19), it does not appear that the Clodian party used any physical violence against Pompeius, but continually interrupted him by shouts and menaces.—*privato.* Milo had laid down the office of tribune at the end of B.C. 57. Clodius, when aedile, accused Milo of a breach of the peace, B.C. 56.

gravissimamque...suscepisset, 'and a young man of high rank had most courageously taken upon himself the discharge of a very important duty in the state.' Comp. *pro Sext.* c. 22: 'Quis enim unquam, me a senatu populoque Romano...non restituto,...ullam reipublicae partem cum sua minima invidia auderet attingere?'

iudicii laqueos declinantem, 'struggling to escape the meshes of justice.' So we find the expression 'legum laqueis,' *pro Sext.* c. 41.

Quum se...abdidisset. Cicero alludes again to this occurrence in the second Philippic, ch. 9: 'P. Clodium meo consilio interfectum esse dixisti. Quidnam homines putarent, si tum occisus esset quum tu illum in foro, inspectante populo Romano, gladio stricto insecutus es, negotiumque transegisses, nisi ille se in scalas tabernae librariae coniecisset, hisque oppilatis impetum tuum compressisset?'

§ 41. *in Campo*, i.e. the Campus Martius. The *saepta* were the inclosures or pens which divided the centuries from each other, when they voted in the 'Comitia Centuriata.' They were also called *ovilia*, and were approached by a narrow causeway (*pons*), at the entrance of which stood the officers (*diribitores*) whose duty it was to supply the voters with their

tickets (*tabellae*). When there were no 'comitia,' the 'saepta' were used for the sale of merchandize : comp. Martial, IX. 60, 1 :

> In saeptis Mamurra diu multumque vagatus
> Hic ubi Roma suas aurea vexat opes.

CHAPTER XVI.

loco...tempore, 'at the right place and the right time.'

iniquo loco, 'on disadvantageous ground.'—*alieno tempore*, 'at an inopportune time.' Comp. *Brut.* c. 1 : 'vir egregius alienissimo reipublicae tempore exstinctus.'

§ 42. *subesset*, 'was close at hand.' In the next sentence *scio* means 'I know *from personal experience*,' and corresponds to the Greek ἐπίσταμαι.

omnia...perhorrescimus, 'we are afraid, not merely of every censure that can be cast upon us openly, but of every thought that may possibly be harboured against us in secret ; a report, any false, exaggerated, silly tale, makes us quake from head to foot.'

nihil enim...fastidiunt, 'for there is nothing so sensitive, so delicate,—nothing so frail or pliant as the disposition of our fellow-citizens towards us, and the state of feeling among them ; they are not satisfied with expressing their indignation at any misconduct on the part of the candidates, but even in cases of right conduct they are often hard to please.' Comp. *pro Murena*, c. 17 : 'totam opinionem parva nonnunquam commutat aura rumoris.'

§ 43. *prae se ferens*, 'openly displaying.' By using the imperfect *veniebat*, Cicero means that Milo would never have *thought* of coming under such circumstances.

quam idem...putaret, 'how indubitably was the same to be expected in a man like Clodius, since *he* anticipated supremacy for himself as a consequence of Milo's death.'

quod caput est ('not to omit that which is the main point'). *Caput* is here used for the fountain-head, as in the speech *pro Plancio*, c. 23 : 'si quid sine capite manabit, aut si quid erit eiusmodi ut non exstet auctor qui audierit.' Comp. § 53.

§ 44. *Ex M. Favonio audistis.* See chap. 9, § 26.—*post diem tertium*, 'three days after.' Another form was 'tertio die...quam.'

vivo Clodio, 'whilst Clodius was still alive,' and therefore when Favonius had no motive for speaking falsely. Favonius had immediately repeated the words of Clodius to Cato, to which he afterwards bore testimony at the trial.

quum ille...fecerit, 'when *he* did not hesitate to disclose his thoughts, can *you* hesitate about his acts?'

CHAPTER XVII.

§ 45. *Quem ad modum...fefellit*, 'how was it then that he made sure of the right day?' *dixi equidem modo*, 'I have just told you.'

Dictatoris...nihil erat, 'there was not a bit of trouble in getting to know about the sacrifices fixed to be performed upon a certain day by the Dictator

of Lanuvium.' Comp. *Tusc. Disp.* I. 47: 'quum illam ad solemne et statum sacrificium curru vehi ius esset.'

ab ipsius mercenario...concitata, 'whose passions were inflamed by a tribune in his own pay.' Asconius thinks that Q. Pompeius is the tribune here meant.

§ 46. *ut enim...rogasset*, 'for supposing he had asked no one else but his most intimate friend Titus Patina.'

servum...corruperit, 'suppose that he bribed a slave, as my own friend Quintus Arrius has suggested.' Q. Arrius had formerly been intimate with Cicero, as we learn from the speech *in Vatinium*, c. 12: 'quo consilio aut qua mente feceris ut in epulo Q. Arrii familiaris mei cum toga pulla accumberes?' Yet in a letter written to his brother Quintus, while in exile, he complains thus bitterly of the conduct of Arrius: 'quantum Hortensio credendum sit nescio; me summa simulatione amoris summaque assiduitate quotidiana sceleratissime insidiosissimeque tractavit, adiuncto quoque Arrio; quorum ego consiliis, promissis, praeceptis destitutus, in hanc calamitatem incidi.' *Ad Q. Fratrem*, I. 3. § 8.

cuius iampridem...Romae. When Clodius was impeached for sacrilege in the year 61, Causinius Scola swore that he was staying at his house in Interamna at the time when the sacrilege was said to have been committed; but Cicero proved that Clodius had been with him but three hours before he pretended to be at Interamna. Comp. Quintilian, IV. 2, 88: 'P. Clodius, fiducia testium, qua nocte incestum Romae commiserat Interamnae se fuisse dicebat.' Interamna (the modern *Terni*), in Umbria, was so called because it was situated between two branches of the river Nar.

in Albano, i.e. *agro*. The architect Cyrus is thus mentioned in one of Cicero's letters to Atticus (II. 3, § 2): 'fenestrarum angustias quod reprehendis, scito te Κύρου παιδείαν reprehendere: nam quum ego idem istuc dicerem, Cyrus aiebat viridariorum διαφάσεις latis luminibus non tam esse suaves.'

C. Clodius, A brother of P. Clodius, and father of the Appii, Milo's accusers.

CHAPTER XVIII.

§ 47. *primum certe...Clodio*, 'in the first place, Milo is at any rate cleared of having set out with the intention of plotting on the high way against the life of Clodius.' For the construction *liberatur non...profectus esse*, comp. *Philipp.* V. c. 5, § 14: 'quaero igitur, si Lysiades citatus iudex non responderit, excuseturque Areopagites esse, accipietne excusationem is qui quaestioni praeerit?' The Greeks had the same idiom: thus Thucydides (I. 95) says of Pausanias, τὰ μέγιστα ἀπολύεται μὴ ἀδικεῖν.

quippe; si ille...non erat, 'plainly so; if *he* (Clodius) was not likely to meet him at all' (because he meant to stay at his Alban villa). Thus *quippe* is used with *enim*, *de Orat.* II. c. 54: 'leve nomen habet utraque res; quippe; leve enim est totum hoc, risum movere.'

me videlicet...describebant, 'I was the person, you must know, to whom a set of low ruffians gave the character of a highwayman and assassin.' Asconius says that Pompeius Rufus and C. Sallustius are here intended. In the next sentence translate *iacent*, 'are upset.'

§ 48. *nam occurrit...non fuisset*, 'for I am met by this objection,—"then neither did Clodius meditate any plots, since he meant to stay at the

Alban estate;"—(I answer) Very true, if he had not been ready to sally forth from his house for the purpose of bloodshed.' *Si quidem* here corresponds to our phrase 'yes, if;' comp. *de Nat. Deor.* II. c. 36: 'at Latine loquitur: si quidem nos non quasi Graece loquentem audimus.'

testamentum ..obsignavi. Wills were sealed with a signet, as well as signed; comp. *pro Cluent.* c. 14: 'testamentum in alias tabulas transcriptum signis adulterinis obsignavit.' For an account of the formalities connected with Roman wills, see *Dict. of Antiq.* art. *Testamentum.*

palam, 'openly;' i.e. Cyrus had made no secret of appointing Clodius one of his heirs, and therefore the latter could not plead ignorance of the contents of the will as his excuse for a hasty return to Rome. *illum heredem et me scripserat.* In later times it was illegal for any heir or legatee mentioned in a will to attest it as a witness.

hora decima denique, 'not until the tenth hour.' For the use of the imperfect tense *nuntiabatur* comp. *veniebat* in c. 16, § 43; and see note.

CHAPTER XIX.

§ 49. *age, sit ita factum*, 'well, be it so;' i.e. that he was sent for on the death of Cyrus.

cur in noctem se coniceret, 'why he should plunge into the perils of night.' Comp. *de Orat.* III. c. 50: 'ut quum se mente ac voluntate coniecisset in versum, verba sequerentur.'

quid adferebat...erat, 'what ground for hurry was afforded by the fact of his being an heir?'

properato opus. *Opus* and *usus* are often followed by the perfect participle in the ablative: comp. Sall. *Cat.* c. 1: 'mature facto opus est.'

Miloni subsidendum...fuit, 'since Milo was a conspirator, he ought to have skulked (in the suburbs) and lain in wait for him.'

§ 50. *ipse ille...locus*,' the spot itself, which is a den and harbour of marauders.' In the next sentence translate *tum...Milonem*, 'in that case (i.e. if he had lain in wait in such a spot) the voiceless solitude of the place could have told no tales of Milo, nor the blind night have betrayed him.' Asconius says that the spot here alluded to may have been the Tomb of Basilius, near the Appian Road, which had an ill repute.

deinde ibi, 'in the next place, *there* (i.e. if the thing had happened there), many persons who had been outraged, plundered, ejected from their property by the deceased, and many more who dreaded the same fate, would fall under suspicion; the whole, in short, of Etruria would be put upon trial.' Observe the change of tense from *sustinuisset* and *ostendisset* to *caderent* and *citaretur*, the imperfect denoting that the suspicions and accusations would still have been rife at the time when Cicero was speaking. —*tota Etruria.* See § 26, 74.

§ 51. *Atque illo die certe*, 'and this at any rate is certain, that on that day in returning from Aricia Clodius stopped to call at his own house.'

Aricia. The modern La Riccia, distant about 16 miles from Rome. It was celebrated for a temple sacred to Diana, and a grove said to be the dwelling-place of the nymph Egeria. From the latter circumstance it was called by Lucan (VI. 75) 'nemoralis Aricia.' Sir W. Gell describes it as 'a small town under the Alban mountain, about a mile from Albano, but divided from it by a deep ravine...the modern town, being the ancient

citadel, is difficult of access.' *Topography*, Vol. I. p. 182. 'The ancient town extended down the steep declivity from the citadel to the Appian Road in the valley below,' p. 183. Aricia is the first place mentioned by Horace in his *Iter ad Brundusium*, *Sat.* I. 5, 1:

> Egressum magna me excepit Aricia Roma
> Hospitio modico.

Juvenal (*Sat.* I. 4, 116) thus alludes to the beggars who then, as at present, infested the hill near Aricia:

> Caecus adulator dirusque a ponte satelles,
> Dignus Aricinos qui mendicaret ad axes,
> Blandaque devexae iactaret basia rhedae.

Quod ut sciret...deversurum, 'now even supposing Milo to have known that he had been at Aricia, he must have guessed nevertheless that he would stop for refreshment at his own country-house, close by the road-side, even if it was his wish to go back to Rome that day.'—*ut sciret*, Cicero only grants this for the sake of argument. See § 45.

ne ille in villa, 'to prevent his staying in his country-house.'

§ 52. *nihil unquam auditum ex M.* Yet, as Halm observes, Cicero says in a letter to Atticus, written B.C. 57: 'comitia fore non arbitror; reum Publium [Clodium], nisi ante occisus erit, fore a Milone puto. Si se...obtulerit, occisum iri ab ipso Milone video. Non dubitat facere, prae se fert, casum illum nostrum non extimescit.'

etiam potius alienum, 'so far from being necessary, was even inconvenient:' see § 41.

se dissimulasse rediturum, 'had led persons to believe that *he* would not return that day.'

CHAPTER XX.

§ 53. *id quod caput est*, 'which is indeed the main point;' comp. § 43. *tandem* may here be translated 'really,' or 'in fact:' comp. Hor. *Epist.* I. 17, 2:

> Quamvis, Scaeva, satis per te tibi consulis, et scis
> Quo tandem pacto deceat maioribus uti.

Ante fundum Clodii...delegerat, 'just in front of Clodius' farm,—a farm on which, in consequence of those senseless underground works of which you have heard, a thousand able-bodied men were employed with ease,—could Milo have supposed that he should occupy a more advantageous position than the high commanding ground held by his adversary, and therefore have fixed upon that spot of all others for a fight?'—*insanas illas substructiones*. These are mentioned again in ch. 31, § 85.

§ 54. *Si haec...insidiator*, 'if you were not listening to a description of these occurrences, but looking at a picture of them, it would still be self-evident which of these two men was plotting against the life of the other.'

Quid horum...constrictus esset, 'What greater incumbrance could there be than any one of these—the dress, or the vehicle, or the fellow-traveller? what situation could be less available for fighting, than to be entangled in a travelling-cloak, hampered with a travelling-carriage, and almost tied to the spot with a wife?'

uxore paene constrictus, i.e. afraid to stir, from having his wife with him, lest she should be left unprotected. '*Ab* uxore constrictus' would have meant that he had been tied *by* his wife, *Uxore* in fact = an abl. absolute, 'his wife being with him.'

Videte illum...temporis. Cicero is here stating his own version of the facts, so far as Clodius was concerned, in order to shew that his conduct could not be easily explained, except on the supposition that he had some mischief in hand. In § 49 he argues from the version given by his opponents.

qui convenit, 'what was the good of doing that,—especially at that time of day?' (*vesperi*).

Devertit in villam Pompeii. 'He called at Pompeius' country-seat.' The Alban villa of Pompeius is thought to have been in the position of the modern villa Barberini, near Castel Gandolfo. Sir W. Gell, I. p. 66.

in Alsiensi. 'Alsium was on the coast of Etruria; it stood on the spot now occupied by Palo; a shore somewhat elevated above the very low ground in the vicinity, recommending it as a site. To this circumstance we may ascribe the erection of a fort at this place, and the three or four ruinous villas of the Roman nobility. Pompey had a villa here. There is no shelter even for boats, and nothing can be more unhealthy and desolate than the surrounding country.' Sir W. Gell, Vol. I. p. 91.

Quid ergo erat? mora et tergiversatio, 'What then was the meaning of it all? it meant dawdling and faint-heartedness.' *Tergiversari* meant, literally, 'to turn tail;' and hence, 'to falter,' or 'grow faint-hearted;' see *ad Att.* XVI. 5, § 3: 'Cn. Lucceius, qui multum utitur Bruto, narravit illum valde morari, non tergiversantem, sed expectantem si qui forte casus.' He dawdled about, unwilling to quit a spot which gave him such an advantage over his adversary, and too faint-hearted to encounter him on less favourable ground.

CHAPTER XXI.

§ 55. *Age nunc*, 'now then.' Both *age nunc* and *age dum* are frequently used with a plural imperative.

expediti latronis, 'of a lightly-equipped highwayman.'

comites Graeculi, 'some miserable Greek followers:' kept for his amusement. The term *Graeculi* is one of contempt: thus Juvenal speaks of the endless accomplishments of the poor starveling Greek: *Sat.* I. 3, 76:

> Grammaticus, rhetor, geometres, pictor, aliptes,
> Augur, schoenobates, medicus, magus,—omnia novit
> Graeculus esuriens;—in caelum, jusseris, ibit.

in castra Etrusca. According to Asconius, Cicero here refers to the report that Clodius had set out from Rome for the purpose of joining Catiline in the camp of Manlius at Faesulae in Etruria, but, changing his mind on the way, had returned to the city. There may be an allusion also to the depredations committed by him in Etruria mentioned in ch. 9, § 26.

nugarum, 'trash,' 'nobodies.' Comp. *ad Att.* VI 3: 'amicos habet meras nugas, Matinium, Scaptium.' Abram gives the following illustration of this passage from the *Protagoras* of Plato, p. 347 D: ὅπου δὲ καλοὶ κἀγαθοὶ συμπόται καὶ πεπαιδευμένοι εἰσί, οὐκ ἂν ἴδοις οὔτ' αὐλητρίδας οὔτ'

ὀρχηστρίδας οὔτε ψαλτρίας, ἀλλὰ αὐτοὺς ἁυτοῖς ἱκανοὺς ὄντας συνεῖναι, ἄνευ τῶν λήρων τε καὶ παιδιῶν τούτων.

uxoris. As Cicero everywhere contrasts the manliness of Milo with the effeminacy of Clodius, he explains the presence of singing-boys and servant-maids in Milo's train on this occasion by saying that it was *accidental* (*casu*), and that they were not in attendance upon Milo, but belonged to his wife Fausta.

tum neminem...diceres, 'on this occasion did not take one, but only persons of such a stamp that you would say each man had picked his mate.' *Talis* must be supplied before *ut;* comp. *Brutus,* c. 47: 'L. Gellius non tam vendibilis orator, quam (talis) ut nescires quid ei deesset.' In expeditions of peculiar danger and difficulty each Roman soldier was allowed to choose his own comrade: the same practice prevailed in Etruria, as we find from Livy, IX. 39: 'ad Vadimonis lacum Etrusci, lege sacrata coacto exercitu, cum vir virum legisset, quantis nunquam alias antea simul copiis simul animis dimicarunt.' See also X. 38. Virgil, however, uses the phrase *vir virum legit* in the sense, 'each one picked out his man' (i. e. his foe), *Aen.* XI. 632:

> Tertia sed postquam congressi in praelia, totas
> Implicuere inter se acies, legitque virum vir.

§ 56. *Nec vero...esset paratus,* 'and indeed Milo was at no time so unprepared against his attacks, as not to be in some measure tolerably well prepared.'

maximis...addictam, 'exposed for sale and all but knocked down to the highest bid.' For the construction, comp. *Ep. ad div.* V. 16: 'ut omnibus telis fortunae proposita sit vita nostra.'—*addictam,* 'knocked down.' Comp. *pro Caecina,* c. 6: 'licetur Aebutius; deterrentur emptores multi...fundus addicitur Aebutio.'

Martem communem...ab abiecto, 'the fortune of war, which has often overthrown the victor when already in the act of triumphantly despoiling his antagonist, and has dealt a death-blow from the hand of one who lay at his mercy.' Mars was called *communis* (neutral) because he sometimes favoured one side, and sometimes the other; comp. *pro Sext.* c. 5: 'hic ego quid praedicem...quos stimulos admoverit homini studioso fortassis victoriae, sed tamen nimium communem Martem bellique casum metuenti.' Hence Homer applies to the god Ἄρης the epithet ἀλλοπρόσαλλος, *Il.* E. 831, 889. Comp. also *Il.* Σ. 309, ξυνὸς Ἐνυάλιος καί τε κτανέοντα κατέκτα. Cicero may have had in his mind the following description of the death of Eteocles in the *Phoenissae* of Euripides, 1416—1424:

> ὁ δ', ὡς κρατῶν δὴ καὶ νενικηκὼς μάχῃ,
> ξίφος δικὼν ἐς γαῖαν ἐσκύλευέ νιν,
> τὸν νοῦν πρὸς αὑτὸν οὐκ ἔχων ἐκεῖσε δέ·
> ὃ καί νιν ἔσφηλ'· ἔτι γὰρ ἐμπνέων βραχὺ,
> σώζων σίδηρον ἐν λυγρῷ πεσήματι
> μόλις μὲν, ἐξέτεινε δ' εἰς ἧπαρ ξίφος
> Ἐτεοκλέους ὁ πρόσθε Πολυνείκης πεσών.
> γαῖαν δ' ὀδὰξ ἑλόντες ἀλλήλοιν πέλας
> πίπτουσιν ἄμφω, κοὐ διώρισαν κράτος.

ab abiecto. The preposition *ab* denotes the direction *from* which the blow came. *Abiectus* means, not only 'laid low,' but 'humbled,' as a suppliant. Comp. ch. 36: 'ego me plurimis supplicem abieci.'

inscitiam, 'stupidity.'

oscitantis, 'drowsy.' Literally, 'yawning:' comp. a fragment from the speech of Cicero *pro Gallio,* quoted by Quintilian, VIII. c. 3: 'videbar

videre...quosdam ex vino vacillantes, quosdam hesterna potatione oscitantes.'

haesit...expetiverunt, 'he was trapped in that vengeance which faithful slaves wreaked on him in defence of their master's life.'

§ 57. *Cur igitur eos manu misit?* As Roman citizens could not be scourged or put to the torture, it was sometimes customary for masters to emancipate their slaves, that they might be exempt from torture. The master was said *servum manu mittere* when he turned him round and let him go from his hold before the praetor, after laying his hand upon the slave's head, and saying to the praetor, 'Hunc hominem liberum esse volo.' The ceremony of emancipation was then performed by a lictor laying the rod called *vindicta* or *festuca* upon the head of the slave, saying, 'Dico eum liberum esse more Quiritium.' See *Dict. of Antiq.* art. *Manumissio.*

metuebat scilicet ne indicarent, (ironically), 'he was fearful, I suppose, lest they should give information.'

CHAPTER XXII.

§ 57. *Quod igitur...fatemur*, 'that therefore which forms a proper subject of inquiry for a legal process, we may here discuss; as to the fact which you want to find out by means of torture, we admit it.' The word *causa*, in this sense, is thus defined by Cicero in his *Topica*, c. 21, § 79: '*quaestionum* duo sunt genera, alterum infinitum, alterum definitum; definitum est quod ὑπόθεσιν Graeci, nos causam...Causa certis personis, locis, temporibus, actionibus, negotiis cernitur, aut in omnibus aut in plerisque eorum.'

nescis...reprehendere, 'you do not know how to find fault with the act of an adversary:' i. e. you have not wit enough to discover his real faults.

§ 58. *propter quos vivit*, 'to whom he owes his life;' comp. *pro Sex. Roscio*, c. 22: 'portentum atque monstrum est certissimum, esse aliquem humana specie et figura, qui tantum immanitate bestias vicerit ut propter quos hanc suavissimam lucem adspexerit eos indignissime luce privarit.'

defensores necis, 'who averted his murder:' comp. *pro Muraena*, c. 2: 'is potissimum consul qui consulem declaravit auctor beneficii populi defensorque periculi esse debebit.' *Defendere*, in its primary sense, is 'to ward off' or 'parry,' the old verb *fendere* meaning 'to hit,' or 'strike.'

quod minus moleste ferat, 'which he takes more easily:' i. e. there was none of Milo's misfortunes which he was less disposed to grieve over, because his loss of the services of so many slaves by their emancipation was counterbalanced by the pleasure of having secured an immediate reward for them, in case of his own death.

si quid ipsi accidat, 'if anything should happen to himself;' the corresponding phrase in Greek was ἤν τι πάθῃ.

§ 59. *sed quaestiones...in atrio Libertatis*, 'but Milo is hard pressed by the examinations which have been just held in the court of the Temple of Liberty.' The Atrium Libertatis was an area surrounded by colonnades in front of the Temple of Liberty; it was situated on the Aventine, the temple having been built by Tiberius Gracchus after his victory over the Carthaginians at Beneventum (Liv. XXIV. 16). It was afterwards repaired and enlarged by Asinius Pollio, who also added a valuable library (Suet. *Aug.* c. 29; Plin. *H. N.* VII. 30). There was another less celebrated Atrium Libertatis, near the Forum, mentioned by Cicero in a letter to Atticus (IV. 16). See *Dict. of Antiq.* art. *Atrium.*

Appius. The son of Caius Clodius the brother of Publius.—*ab Appio*, 'from the house of Appius:' comp. Ter. *And.* III. 1, 3: 'ab Andria est ancilla haec.' See Introduction, § 9.

proxime deos...quaeritur, ('Clodius has indeed approached very near to the gods,—nearer than he did when he had forced his way into their very presence,—when his death is made the subject of as stern an inquiry as the profanation of religious rites.')—*deos* is the acc. after *proxime.*

sed tamen. But (though our ancestors forbid the examination of a slave against his own master) yet (*tamen*) they did not do so from any feeling that the truth could not be discovered in that case, but because it was thought improper; when however the prosecutor's slave is examined, to obtain evidence against the person accused by him, what chance is there of getting at the truth?

§ 60. *age vero...certius*, 'well now, what kind of an examination was it?'—'Here you, Rufio, (we will suppose) mind, if you please, that you speak the truth: did Clodius plot against Milo?' 'Yes, he did,'—certain torture. 'No, he did not,'—a hope of liberty. 'What can be more safe than an examination such as this?' *Sis* is a contraction of the words *si vis*, and is frequently found in the colloquial Latin of Plautus and Terence; e.g. Ter. *Eun.* IV. 7, 29:

> Cave sis: nescis cui maledicas nunc viro.

in arcas, 'into cages.' The *arca* appears to have been a strong 'box' or 'cage,' made of oak, in which slaves and criminals were confined. Comp. Plaut. *Curc.* V. 3, 14:

> At ego vos ambo in robusto carcere
> Ut pereatis.

penes accusatorem, 'in the prosecutor's hands,' so that he could tamper with them as he pleased.—*integrius*, 'more sound;' *incorruptius*, 'more unbiassed.'

CHAPTER XXIII.

§ 61. *cum res ipsa...luceat*, 'when the actual facts are brought to light by means of so many clear proofs and evidences:'—*nulla conscientia exanimatum*, 'with no guilty conscience to make him quail.' The verb *exanimari* has two meanings:—1, 'to be deprived of breath' or 'life' (anima):—2, 'to be deprived of spirit' (animus). *Conscientia* is frequently used in a bad sense, as in *Catil.* II. c. 6: 'Conscientia convictus.'

quae oratio. See Introduction, § 4.

omnem Italiae pubem. Pompeius had received an unlimited commission from the senate to raise levies throughout Italy. See Introduction, § 5.

cui nunquam...credenti, 'and he would never have put himself in *his* power, if he had not confidence in his cause, especially at a time when *he* (Pompeius) was hearing all kinds of reports, apprehending great dangers, haunted by many suspicions, and a believer in some of the things that he heard.' Comp. ch. 24, §§ 65, 66.

in utramque partem, 'both ways;' i. e. both in the case of the innocent and the guilty: comp. *Off.* II. c. 6: 'magnam vim esse in fortuna in utramque partem, vel secundas ad res vel adversas, quis ignorat?'

Hence 'disserere in utramque partem' meant 'to argue on both sides of a question, for and against:' see *Acad.* I. c. 12, § 46.

qui nihil commiserint, 'who have done nothing amiss.' Sometimes *committere* is used intransitively, in the sense 'to offend' or 'transgress,' as in the speech *pro Roscio Amer.* c. 20: 'quum verisimile erit aliquem commisisse, in suspicione latratote.'

§ 62. *sine ratione certa*, 'without express reason:'—*facti rationem*, 'the justifiableness of the act:' 'comp. *ad Herenn.* c. 16: 'Ratio est quae causam facit et continet defensionem...Orestes, quum confiteatur se occidisse matrem, nisi attulerit facti rationem, perverterit defensionem. Ergo affert eam; quae nisi intercederet, ne causa quidem esset. Illa enim, inquit, patrem meum occiderat.'—*defensionis constantiam*, 'the steady consistency of his defence.'

sermones et opiniones, 'the remarks and surmises:'—*non nullorum imperitorum*, of some few persons who ought to have known better.'

§ 63. *sive enim...inimicum*, 'for, whether he had so acted in a fit of passion as to murder his adversary, while burning with enmity.' *Illud* has reference to the following *ut.*

non dubitaturum...legibus, 'that, being a man of courage, he would not, after having at his own peril saved the commonwealth, hesitate to bow contentedly to the laws of his country:' i.e. voluntarily inflict on himself the punishment of exile, which he had legally incurred by his act.

atque illa portenta, 'and those other monsters:' viz. the confederates of Catiline. So Clodius is termed 'fatale portentum prodigiumque reipublicae,' in the speech *in Pisonem*, c. 4, § 9.

loquebantur, 'began to talk about:' the verb *loquebantur* is here used rather contemptuously, as in the *Paradoxa*, VI. c. 3: 'M. Manilius patrum nostrorum memoria (ne semper Curios et Luscinos loquamur) pauper tandem fuit.'—*erumpet*, 'he will break loose.'

miseros interdum...suspicantur, 'how wretched sometimes is the case of citizens who have the greatest claims upon the gratitude of the commonwealth, when men not only forget their most brilliant achievements, but even suspect them of infamous designs!'—*vera exstitissent*, 'would have turned out true.'

CHAPTER XXIV.

§ 64. *Quid? quae...potuisset*, 'Why, how he endured,—immortal gods! endured, did I say? nay, rather, how he despised and set at naught the calumnies that afterwards were heaped upon him, such as would have daunted any man with a consciousness even of trivial misdemeanours;—which no one, if guilty, however high his spirit, and no one but a man of the greatest resolution, if guiltless, could possibly have disregarded.' For the use of *quid* in the first sentence, comp. *Ep. ad Fam.* VII. 1: 'quid tibi ego alia narrem? nosti enim reliquos ludos; quid? ne id quidem leporis habuerunt quod solent mediocres ludi.'

angiportum, 'alley:' comp. Hor. *Od.* I. 25, 9:

> Invicem moechos anus arrogantes
> Flebis in solo levis angiportu.

Miloni, 'for Milo's use.'—*in villam Ocriculanam.* Ocriculum, the

modern *Otricoli*, was in Umbria, on the banks of the Tiber; by Strabo it is called 'Ὀκρίκολοι, and said to have been on the Flaminian Road.

malleolorum. The *malleolus* used in warfare was a hammer-shaped projectile, the head of which was formed to hold pitch and tow; when these had been set on fire, it was projected over the houses and buildings of a besieged city; see Livy, XXXVIII. 6: 'alii cum ardentibus facibus, alii stuppam picemque et malleolos ferentes, tota collucente flammis acie, advenere.'

haec non delata...quaesita, 'these stories not only came to people's ears, but were all but believed; and they were not discarded before inquiry:' viz. by Pompeius.

§ 65. *quin etiam...maximo* (*ironically*), 'nay, more, even the butcher Licinius must have a *hearing*,—some fellow from the Circus Maximus,—who said that the slaves of Milo,' &c. *Popa* was a person who felled victims at the sacrifices. Their corpulence is alluded to by Persius, VI. 74:

> ...ast illi tremat omento popa venter.

Comp. Sueton. *Calig.* c. 32: 'admota altaribus victima, succinctus poparum habitu, elato alte malleo, cultuarium mactavit.'—*de Circo Maximo.* The Circus Maximus, so called because it was the principal circus in Rome, and the place where the *Ludi Circenses* were held, drew a very low and profligate class of citizens to its precincts.—*apud se*, 'at his shop.' The circus abounded with eating-houses (*popinae*). See Introduction, § 8, n. 48.

Pompeio in hortos nuntiavit, 'he sent intelligence to Pompeius into his gardens.' Pompeius at this time kept within his pleasure-grounds, and was protected by a military escort. Introduction, § 8.

de amicorum...senatum, 'agreeably to the opinion of his friends, he lays the matter before the senate.'

pro ictu gladiatoris probari, 'should be passed off as the stroke of a gladiator.' Comp. *in Verr.* v. c. 30, 'quum vulgo loquerentur suppositum in eius locum, quem pro illo probare velles:' Ter. *Eun.* II. 3, 83:

> Praeterea forma et aetate ipse es facile ut pro eunucho probes.

§ 66. *nemo audierat...audiebatur*, 'no one had heard aught, frequented as the spot is; no one had been aware of it: yet still the story continued to be listened to.' The house of Caesar, who was in Gaul at this period, was situated in the Via Sacra, one of the great thoroughfares of Rome, leading through the Forum to the Capitol. Comp. Sueton. *Iul.* c. 46: 'habitavit primum in Suburra modicis aedibus; post autem Pontificatum maximum in Sacra Via domo publica.'—*audiebatur*. The imperfect tense here expresses the *continuance* of the action denoted by the verb.

non poteram...putabam (*ironically*), 'it was impossible for me to suspect a citizen of such distinguished valour as Cnaeus Pompeius of cowardice; or to think any vigilance too great, since he had taken the government of the entire commonwealth upon himself.'

senator. Publius Cornificius.—*cum telo esse.* This was contrary to a law of the Twelve Tables, which was re-enacted by Pompeius. See Mr Merivale's note on Sallust, *Catil.* c. 27.

quoniam—faciebat, (*sarcastically*), 'since it was not to be supposed that the past *life* of such a man and such a citizen afforded any pledge (of his innocence).'

ut...loqueretur, 'so that, without a word from him, the simple fact might speak (for him).'

CHAPTER XXV.

§ 67. *non iam hoc...timemus*, 'it is not the present charge with reference to Clodius that we are afraid of *now*.'

ut me exaudire possis, 'that you may distinctly hear me.' Pompeius was seated at a considerable distance from the orator, near the Treasury. Comp. *pro Ligur.* c. 3: 'quantum potero voce contendam, ut populus hoc Romanus exaudiat.'—*perhorrescimus*, 'we shrink with horror from.' See Introduction, § 8, n. 48.

conquisitores, 'recruiting-officers:' comp. *de Att.* VII. 20: 'nullus usquam dilectus; nec enim conquisitores φαινοπροσωπεῖν audent, quum ille adsit.' See also Liv. XXI. 11.

si excubiae, si vigiliae, 'if watches and sentries:' comp. *pro Plancio*, c. 42, § 101: 'o excubias tuas, Cn. Planci, miseras! o flebiles vigilias! o noctes acerbas!'

magna in hoc...armata est, 'great indeed is the energy, and incredible the courage implied in the defendant's character, such strength too and resources as belong to no one individual,—if it is the fact that the most distinguished captain of his day has been selected, and the whole commonwealth armed, against this single man.'

§ 68. *quod si...datus esset*, 'if however the opportunity had been afforded to Milo:' for this use of *locus*, comp. *de Nat. Deor.* III. c. 8: 'ut...repente avertas orationem, nec des respondendi locum.' Milo had sought an interview with Pompeius when shut up in his gardens, but had been refused admittance. See Introduction, § 8.

se a te...capitis, 'that he had himself been defended by you, when his civil privileges were in danger.' *Se* is emphatic by position, as being antithetical to *tribunatum suum* in the preceding clause. Milo was defended by Pompeius when accused *de vi* by Clodius. See § 40. *Caput* was used in Roman law for the status of a citizen; and he who lost or was degraded from that status was said to be *capite deminutus*, or *capitis minor*. See *Dict. of Antiq.* art. *Caput*, and comp. Hor. *Od.* III. 5, 42:—

> Fertur pudicae coniugis oscula
> Parvosque natos, ut capitis minor,
> Ab se removisse, et virilem
> Torvus humi posuisse vultum.

ne, 'assuredly.'

is qui...consuevit, 'such is his natural character, and such the habitual tone of his mind.' In Greek, *is qui ita natus est* would be expressed by ὅστις οὕτω πέφυκε.

te antestaretur, 'he would appeal to you (as his witness).' If a defendant would not obey the summons of the plaintiff, the latter was said *antestari* when he called on any present to be witness that the defendant had been duly summoned; it was the custom to touch the ear of the witness on these occasions: comp. Hor. *Sat.* I. 9, 75—78:

> casu venit obvius illi
> Adversarius, et, 'Quo tu, turpissime?' magna
> Exclamat voce, et, 'Licet antestari?' Ego vero
> Oppono auriculam; rapit in ius.

Cicero means to say that if Milo had gone into exile, Pompeius himself would one day have borne witness to Milo's patriotism, by admitting his mistake in depriving himself of so warm a friend, and so staunch an

opponent of democracy; and even as it was, Milo might appeal to the testimony of Pompeius in his favour (*quod nunc etiam facit*).

CHAPTER XXVI.

§ 69. *Vide quam ... quantae timiditates*, 'See how diversified and changeable is life's course! what a shifting weathercock is Fortune! what grievous instances we see of faithlessness in friends! what time-serving professions! what sad cases of desertion and of cowardice in dangerous times!'

salutaribus. Comp. the use of the adverb *salutariter* in a letter of Plancus to Cicero, *Ep. ad div.* X. 23, § 2:—'consedi eo consilio ut vel celeriter accedere vel salutariter (with advantage) recipere me possem.'

sed fortasse...immutatis, 'though, perhaps, impaired by some shock to the state of public affairs,' i.e. by civil war. *Communia tempora* is used in opposition to *rebus tuis*, 'your private affairs.'

unius post homines natos fortissimi viri, 'of one unmatched in bravery since the birth of men.'

§ 70. *quo uno versiculo...fuerunt*, 'by which single line the consuls have always been armed with sufficient powers.' So in his work *de Legibus* (II. c. 6, § 14), Cicero says with reference to the same formula, that certain laws could be annulled in a moment 'uno versiculo senatus.' For the nature of the extraordinary powers thus conferred on the consuls, comp. Sallust. *Catil.* c. 29:—senatus decrevit DARENT OPERAM CONSVLES NE QVID RESPVBLICA DETRIMENTI CAPERET. Ea potestas per senatum, more Romano, magistratui maxima permittitur;—exercitum parare, bellum gerere, coercere omnibus modis socios atque cives; domi militiaeque imperium atque iudicium summum habere: aliter, sine populi iussu, nullius earum rerum consuli ius est.' See Mr Merivale's notes, p. 46.

hunc exercitu...tolleret, 'that he, I say, when an army and a fresh levy had been granted him, was likely to have waited for the issue of a *trial*, in executing vengeance on the designs of one (Milo) who was (as it is said) for forcibly abolishing the very forms of trial by law.' For the use of *vindicare* in the sense of 'to punish,' comp. *de Amic.* c. 12: 'quare talis improborum consensio...omnia supplicio vindicanda.'

qui legem tulit. The relative refers to the preceding antecedent *Pompeio*. See chap. 6, § 15.

oporteret...liceret. These verbs are in the imperfect subjunctive, because Cicero is speaking of the *meaning* and *drift* of the law *at the time when it was passed*. See chap. 6, § 15.

§ 71. *in illo loco.* i. e. in the vestibule of the Aerarium.

hesternam contionem illam. See note on chap. 2, § 3.

CHAPTER XXVII.

§ 72. *me.* The pronoun is emphatic by position.

de qua liceret, 'and if I had now no disposition to refute the charge relating to his death in the manner in which I have refuted it, still Milo might with safety be permitted to proclaim it openly, and glory in a lie:'

i.e. he might even be allowed to boast that he had purposely killed Clodius as a dangerous citizen; though such a boast would be false, because, according to Cicero, he had killed him in self-defence.—*mentiri gloriose*, lit. 'to lie boastfully:' comp. the expression *splendide mendax* in Hor. *Od.* III. 11, 35.

Sp. Maelium. See notes on chap. 3, § 8.

annona levanda, 'by lowering the price of corn.' Comp. Liv. IV. 12, 13. Livy also uses the phrase *annonam laxare* (II. 34), as we speak of prices being '*slack.*'

iacturis rei familiaris, 'by sacrifices of his property:' comp. *de Finibus*, II. c. 24, § 79: 'quid, si non modo utilitatem tibi nullam afferet, sed iacturae rei familiaris erunt faciundae, labores suscipiendi, adeundum vitae periculum.' The idea of *sacrifice* in *iactura* is derived from that of throwing goods overboard in time of shipwreck: comp. *de Off.* III. c. 23, § 89:—'quaerit, si in mari iactura facienda sit, equine pretiosi potius iacturam faciat an servuli vilis.'

amplecti plebem, 'to court the populace.'

Ti. Gracchum. See above chap. 3, § 8: *collegae.* M. Octavius, a tribune of the plebs, who persisted in putting his veto on the agrarian law proposed by Tiberius Gracchus. See Plutarch's *Ti. Gracchus*, c. 10, 11, and Appian, *B. C.* I. 12.—*Collegae magistratum abrogavit*, 'deposed a colleague from his office by the votes of the people.' Thus *abrogare legem* meant 'to repeal a law,' and *irrogare poenam*, 'to impose a penalty' by the votes of the people.

in pulvinaribus sanctissimis: i.e. of Bona Dea. The *pulvinaria* here referred to were cushioned couches on which the images of the gods were placed, and were supposed to partake of the sacrificial viands spread before them. For a representation of a *pulvinar*, see *Dict. of Antiq.* art *Lectisternium.*—*comprehenderunt*, 'detected.' This is a rhetorical exaggeration, as there was no evidence of the fact. The verbs *comprehendere* and *deprehendere* occur together in the speech *pro Flacco*, c. 16, § 38:—'cera deprehensa, confiderem totius testimonii fictam audaciam manifesto comprehensam atque oppressam teneri.'

§ 73. *cuius supplicio...censuit.* Comp. *pro Sest.* c. 12.

cum sorore germana. His youngest sister was married to L. Lucullus, and afterwards divorced. Comp. *pro Caelio*, c. 15, § 36.

civem. i.e. himself.—*exterminavit*, 'expatriated.'

regna dedit. Clodius, when he was tribune, sold to Brogitarus of Galatia the kingly title conferred on Deiotarus by the Roman senate: see the speech *de Harusp. Resp.* c. 13, § 29, and *pro Sest.* c. 26, § 56.

ademit. In the same year Clodius procured a law to confiscate the possessions of Ptolemaeus, king of Cyprus, and depose him from his throne. Cato was charged with the execution of this law. See the speeches *pro Sest.* c. 26, and *pro Domo*, c. 8.

orbem terrarum...partitus est. This is an allusion to the compact made by Clodius, when tribune, with the consuls Piso and Gabinius, by which he agreed to procure the province of Macedonia for Piso, and that of Syria for Gabinius, on condition that they would assist him in his designs against Cicero; see *pro Sest.* c. 10, § 24; *pro Domo.* c. 9.

civem...compulit. Pompeius: see above chap. 7.

aedem Nympharum incendit. Clodius set fire to the temple of the Nymphs during his violent attempts to frustrate the recall of Cicero from banishment, in the year succeeding that in which he was tribune. Allusion is made to this circumstance in the *Paradoxa*, IV. 2:—'aedes Nympharum manu tua deflagravit.' In the speech *pro Caelio*, c. 32, § 78, the act is ascribed to Sextus Clodius, but probably both had a hand in it.

recensionis, 'of the censorial registration.' At the quinquennial registration of persons and property in Rome, the censor set a mark of disgrace (*nota censoria*) against the names of those citizens whose private or public life had been flagrantly immoral. Clodius appears to have received some stigma of this kind, and therefore to have burnt the temple in which the national registers were kept. Comp. the speech *pro Caelio*, c. 32: 'qui (speaking of Sextus Clodius) aedes sacras, qui censum populi Romani, qui memoriam publicam suis manibus incendit.'

§ 74. *calumnia litium*, 'by the chicanery of lawsuits.' Comp. *Ep. ad Div.* I. 1, § 1:—'Senatus religionis calumniam (i.e. *sophistry*, referring to the Sibylline books)...comprobat.'—*non iniustis vindiciis ac sacramentis*, 'not by illegal titles and securities.' *Sacramentum* in law meant a sum of money deposited by both parties to a suit, and forfeited by the loser. Comp. *de Orat.* I. c. 10: agerent tecum lege primum Pythagoraei omnes...quibuscum tibi iusto sacramento contendere non liceret.—*signis inferendis*, 'by unfurling his banners,' or 'marching to battle.'

Etruscos. Comp. chap. 8.—*decempedis*, 'measuring-rods' (ten feet in length). Comp. Hor. *Od.* II. 15, 14. Cicero calls a land-surveyor *decempedator* in *Philipp.* XIII. c. 18.

qui Ianiculo...suarum, 'who had (in his own mind) made the Janiculum and the Alps the boundary lines of the possessions that he hoped for as his own:'—i.e. the district lying between the Tiber and the furthest limits of Cisalpine Gaul.

in lacu Prilio. This lake is also called *Prilis* or *Prillis* in Pliny, *H. N.* III. 5. It was in Etruria, its modern name being *Lago di Castiglione.*

materiem...arma, 'timber, lime, stone, and building implements.'

§ 75. *T. Furfanio.* Titus Furfanius Postumus was praetor in Sicily during the years 50 and 49, B.C. (see *ad Att.* VII. c. 5, § 2), and proconsul of the same island in B.C. 45 (*ad Div.* VI. 8, § 3. VI. 9).

cui viro, di immortales! Comp. *Brutus*, c. 17, § 65:—'Catonem vero quis nostrorum oratorum, qui quidem nunc sunt, legit? aut quis novit omnino? At quem virum, di boni!'

de muliercula Scantia, 'of the poor woman Scantia.' The termination is here expressive of commiseration, and the unprotected condition of a female.

mortuum se...conflagrandum, 'that he would convey a dead body into his house, a scandal under which a man of such a character as his must have altogether sunk.' The phrases *flagrare* and *conflagrare invidia* are common in Latin (see *in Verr.* I. c. 15, § 43, and Liv. XXIV. 26). We have no exactly corresponding idiom, but the same idea is contained in our phrase 'to make a place too hot to hold a man.' The object of Clodius would be to bring Furfanius under a suspicion of having committed a murder in his own house.

Appium fratrem. This was Appius Claudius Pulcher, the eldest brother of P. Clodius, who was succeeded by Cicero in the government of the province of Cilicia, in B.C. 51, and to whom Cicero addressed the third book of his *Epistolae ad Familiares.* He had been consul in B.C. 54.

per vestibulum sororis, 'through his sister's court.' The *vestibulum* of a Roman house was a court surrounded on three sides by the house, and open to the street on the fourth: comp. Plaut. *Mostell.* III. 2. 132:

> Viden' vestibulum ante aedes hoc et ambulacrum quoiusmodi.

parietem...instituit ducere, 'set to work to carry a wall.' Comp. *ad Fam.* VII. 19: 'ut primum Velia navigare coepi, institui Topica Aristotelea conscribere.'—*sic agere fundamenta*, 'so to lay the foundation.'

Compare the phrase *agere cuniculos* in *Off.* III. c. 23, § 90.—*omni aditu et limine*, 'of all means of approach and entrance.'

CHAPTER XXVIII.

§ 76. *Quamquam haec...videbantur*, 'however, such proceedings as *these* came in time to be regarded as quite endurable.' For this use of *quamquam* in the beginning of a sentence, comp. chap. 30, § 82. It has the force of our expression 'the truth is, however, that,' &c.

etsi aequabiliter...irruebat, 'although he used impartially to attack the state or private individuals, persons at a distance or near neighbours, relations or no relations.' Comp. *Ep. ad Q. Fratrem*, II. 1: 'parvi refert abs te ipso ius dici aequabiliter et diligenter.'

quae vero...impendebant. Antithetical to *haec quidem* above: 'but as to immediate dangers, which were just then imminent,—in what way,' &c.

imperium...esset? 'what if he had obtained a military power?'—referring to the praetorship.—*ut in eos se potius immitteret*, 'that he might fly at *them* rather than,' &c.

me dius fidius. This is an abbreviated form of the expression *me dius fidius adiuvet: dius* (or *divus*) *fidius* appears to have been the Latin equivalent of the Greek Ζεὺς πίστιος, *fĭdius* being derived from *fĭdes*, as πίστιος is from πίστις. This etymology is confirmed by Plautus, who uses the phrase *Deus Fidius*, *Asin.* I. 1, 8:

> Per Deum fidium quae quaeris iurato mihi
> Video necesse esse eloqui.

quae tenentur, 'which are established:' comp. *in Verr.* III. c. 65, § 152: 'tenetur igitur iam, iudices, et manifesto tenetur avaritia, cupiditas hominis, scelus, improbitas, audacia.'—*conscripturum fuisse*, 'that he meant to have levied.'

§ 77. *adeste*, 'attend:' see notes on § 4.

ius, 'justice:' *aequitas*, 'equity.'—*pudor*, 'sense of shame:' *pudicitia*, 'decency.'—*esset vero timendum*, 'there would of course be cause to fear' (ironically).

summorum imperatorum. Such as Sulla, Marius, and Pompeius.

§ 78. *quid? ea quae...potuissent*, 'why, the private property that you possess as your own—what right of lasting tenure could it have conferred, during the sway of a madman?'

CHAPTER XXIX.

odio inflammatus, 'heated by personal animosity.' The plural *inimicitiae* frequently occurs in the works of Cicero, as in the phrases '*inimicitias gerere*,' '*intercedunt mihi inimicitiae cum aliquo*,' &c.

libentius...quam verius, 'with greater zest than truth.' Comp. Tac. *Hist.* I. 80: 'nimia pietas vestra acrius quam consideratius excitavit.'

The Greeks had the same idiom; see Herodotus, III. 65: *δείσας δὲ μὴ ἀπαιρεθέω τὴν ἀρχὴν πρὸς τοῦ ἀδελφεοῦ, ἐποίησα ταχύτερα ἢ σοφώτερα.*

etenim...odium meum, 'the truth is, that, although I had especial right to hate him, still he was so much the general enemy of all, that my dislike ranged pretty much upon a level with the general dislike.'

§ 79. *quin. Quin* is here intended to express remonstrance with the judges for some supposed signs of impatience or inattention. Comp. Ter. *Phorm.* III. 2, 1:

> Ph. Dorio, audi,
> Obsecro. Do. Non audio. Ph. Parumper. Do. Quin omitte me.

nempe haec est...Clodii, '*this*, it is true, is an inquiry about the violent death of Publius Clodius, (and not about his former crimes).' Cicero here checks himself by admitting that he ought not to wander from his proper subject. For this concessive use of *nempe* comp. *ad Att.* IX. 18: 'scimus nempe, haeremus nihilominus.'

ut ea cernimus quae videmus, 'as we distinguish the objects which we see.' *Videre* is to see with the outward eye,—an act which may be done quite *unconsciously*: but *cernere* which is akin to *κρίνειν*, and means, literally, 'to separate,' denotes the act by which the mind *consciously* forms a judgment (*κρίσις*) respecting objects presented to the eye. The strict meaning of these two verbs is clearly marked in another passage of Cicero; *Tusc. Disp.* I. c. 20, § 46: 'nos enim ne nunc quidem oculis cernimus ea quae videmus (for even now it is not with the eyes that we *distinguish* the objects that we *see*); neque est enim ullus sensus in corpore; sed...viae quasi quaedam sunt ad oculos, ad aures, ad nares, a sede animi perforatae. Itaque saepe aut cogitatione aut aliqua vi morbi impediti, apertis atque integris et oculis et auribus, nec videmus, nec audimus; ut facile intellegi possit animum et videre et audire, non eas partes quae quasi fenestrae sunt animi, quibus tamen sentire nihil queat mens, nisi id agat et adsit.'

fingite igitur...conditionis meae, 'imagine then, I say, that I made the following proposal:' comp. *in Verr.* III. c. 62, § 146: 'bene ais, Alba; ad tuam veniam conditionem.'—*si possim...revixerit*, 'supposing I could make you acquit Milo,—but on the understanding that Clodius should be restored to life.'

quos...percussit, 'into whom, when dead, he has struck terror by an idle fancy:' comp. c. 34, § 94: 'cogitationes inanes meae!'

huius ergo...liberavisset, 'if then he were the slayer of a man like this, could he, in admitting the deed, fear punishment from the very persons whom he had delivered.'

§ 80. *Graeci...necaverunt.* Comp. Demosth. *περὶ παραπρεσβ.* p. 431,—where, speaking of Harmodius and Aristogeiton, who lost their lives in attempting to overthrow the power of Hipparchus and Hippias, the sons of Pisistratus, he says:—*οὓς νόμῳ, διὰ τὰς εὐεργεσίας ἃς ὑπῆρξαν εἰς ὑμᾶς, ἐν ἅπασι τοῖς ἱεροῖς ἐπὶ ταῖς θυσίαις σπονδῶν καὶ κρατήρων κοινωνοὺς πεποίησθε, καὶ ᾄδετε καὶ τιμᾶτε ἐξ ἴσου τοῖς ἥρωσι καὶ τοῖς θεοῖς.* No slave at Athens was allowed to bear the name of Harmodius or Aristogeiton.—*tyrannos*, 'despots:' the word *tyrannus* is generally used by Cicero in a bad sense, but the Greek *τύραννος* primarily signified 'a ruler for life;' who, however, often became a despot really, or was considered such in states accustomed to republican institutions. Comp. Corn. Nep. *Milt.* c. 8:—'omnes autem habentur et dicuntur tyranni, qui *potestate sunt perpetua* in ea civitate quae libertate usa est.'

res divinas...carmina. See the passage quoted above from Demosthenes.

A poet named Callistratus composed a very popular Ode in praise of Harmodius, which is preserved in Athenaeus, XV. p. 695.

prope ad...consecrantur, 'they are so much venerated as almost to obtain the religious worship and commemoration proper to an immortal state of being.'

CHAPTER XXX.

§ 81. *nihil petit nisi ut ignoscatur*, 'looks for nothing but forgiveness:' *ignoscatur* must be taken here impersonally, the construction being *nisi ut ignoscatur sibi.*—*praemia laudis*, 'tributes of praise.'

quum praesertim—amplissimos, 'especially when, in making that confession, if you chose to be not unthankful, he would attain to honours of the highest kind.' This clause refers to that which is *implied* rather than *expressed* in the preceding words, viz. that the judges would feel more grateful for their own preservation than Milo's; the absurdity of the contrary hypothesis being indicated by the ironical expression *nisi vero*, 'unless forsooth.'

sed tamen si...civitate, 'but still, I say, if the valour of a man of most unflinching resolution should have turned out to be less acceptable to his fellow-citizens than might have been expected, he would with high-minded courage retire from an unthankful state.' By the imperfect *cederet* after *cecidisset* in the foregoing clause, Cicero implies that Milo was *still* prepared to take that course, if circumstances should require it. The expression *cecidisset* is used metaphorically, the metaphor being taken from the 'falling' or 'turning out' of lots: comp. *ad Q. Fratrem*, I. 3: 'sed certe a te mihi omnia semper honesta et iucunda ceciderunt; a me tibi luctus meae calamitatis, metus tuae.'

§ 82. *sine maximis dimicationibus meis*, 'without the greatest struggles on my part:' comp. *pro Plancio*, c. 32, § 77:—'nullas sibi ille neque contentiones neque inimicitias, neque vitae dimicationes nec pro republica nec pro me defugiendas putavit.'

§ 83. *Ahala...nosmetipsi.* See notes on § 8.

huius beneficii gratiam, 'thankfulness for this blessing:' comp. *de Fin.* III. c. 22, § 73:—nec vero pietas adversus deos, nec quanta his gratia debeatur, sine explicatione naturae intellegi potest.—*fortuna populi Romani.* See above, § 6.

qui nullam...divinum, 'who does not believe in any divine power or influence.' Comp. *in Verr.* IV. c. 49: 'multa saepe prodigia vim eius (Cereris) numenque declarant.' *Numen* is derived from *nuere*, 'to nod;' and hence it came to signify divine direction or providence. The original meaning of *numen* is found in Lucretius. II. 633:

> Terrificas capitum quatienteis numine cristas.

For the secondary meaning, comp. Lucr. III. 144:

> Caetera pars animae per totum dissita corpus,
> Paret et ad numen mentis momenque movetur.

vicissitudines rerum atque ordines, 'the regular and periodic changes in nature.'

CHAPTER XXXI.

§ 84. *est...motu*, 'there is, assuredly, such a power; nor can it be that in these bodies, and in our present frail condition, there exists a certain active thinking principle, that does not exist in nature's revolutions in all their vastness and their grandeur.'—*quod vigeat et sentiat:* comp. *pro Sext.* c. 21. § 47: 'ut alii dicerent animos hominum sensusque morte restingui, alii autem tum maxime mentes sapientium ac fortium virorum quum e corpore excessissent sentire ac vigere.'

nec cernitur. See notes on § 79.—*nostram ipsam mentem*, 'as if in our own case we can see the mind *itself*' (as distinguished from its operations).

sapimus...providemus, 'we exercise sense and forethought;' *sapimus*, in Greek φρονοῦμεν: comp. *Ep. ad Divers.* XIV. 1, § 1:—'quid ego de Cicerone dicam? qui quum primum sapere coepit, acerbissimos dolores miseriasque percepit.'

igitur, 'well then:' used here in returning to the subject interrupted by the preceding digression, as in ch. 29, § 79: 'fingite animis,—liberae sunt enim etc.—fingite igitur cogitatione.'

felicitates, 'successes:' the plural occurs also in Ter. *Eun.* II. 3, 33:

> Neque quemquam ego esse hominem arbitror cui magis bonae
> Felicitates omnes aversae sient.

opes, 'wealth,' in the general sense of 'prosperity,' like the Greek πλοῦτος. Comp. *pro Sext.* c. 1, § 1.

illam perniciem, 'that scourge;' viz. Clodius—*primum.* See beginning of ch. 32.

mentem iniecit. Halm quotes the following fragment found in Lycurgus, *Leocr.* § 92:

> ὅταν γὰρ ὀργὴ δαιμόνων βλάπτῃ τινα,
> τοῦτ' αὐτὸ πρῶτον, ἐξαφαιρεῖται φρενῶν,
> τὸν νοῦν τὸν ἐσθλὸν, εις δὲ τὴν χείρω τρέπει
> γνώμην.

Comp. also the proverb, 'quem Deus vult perdere, prius dementat.'

vi irritare, 'to provoke by violence:' *ferro lacessere*, 'to challenge with the sword.' Virgil uses the phrase 'ferrum lacessere' in the sense 'to offer battle,' *Aen.* x. 10:

> Quae contra vetitum discordia? quis metus aut hos
> Aut hos arma sequi, ferrumque lacessere suasit?

§ 85. *ne mediocri quidem...cura*, 'nor indeed by any ordinary vigilance on the part of the immortal gods.'

religiones ipsae, 'the very sanctities of divine worship:' such as temples, sacred groves and hills, altars, images, &c.; comp. *in Verr.* IV. c. 35: 'quem tibi aut hominem, invitis Dis immortalibus, aut vero deum, tantis eorum religionibus violatis, auxilio futurum putas?' See also ch. 27, § 73.

commovisse se, 'to have bestirred themselves.'

ius...retinuisse, 'to have asserted their rights in his fall:' comp. *in Verr.* III. c. 14: 'equites Romani qui suum ius retinere se contra Apronium posse erant arbitrati...vincti Apronio traditi sunt.'

imploro atque obtestor, 'I appeal to and adjure' (in proof of what I say): comp. *in Verr.* V. c. 72: 'ceteros item deos deasque omnes imploro atque obtestor.'

sociae et aequales, 'associates and contemporaries.' The allusion here is to the *Feriae Latinae* kept yearly by the Romans, on the Alban mountain, as members of the Latin confederation. They commenced on the twenty-seventh of April and lasted fifteen days. See Livy, XXXI. 63.

ille, praeceps amentia, 'that crack-brained desperado:' *substructionum*, see notes on § 53: *oppresserat*, 'had buried beneath.'

vestrae tum, arae,...polluerat, '*your*, yes, *your* holy influences were in activity at that moment, ye altars! *your* might prevailed, on which he by every kind of wickedness had cast a stain.

ex tuo edito monte. The Alban mountain was nearly three thousand feet high (Gell, *Topography*, Vol. I. p. 54). The temple of Jupiter Latiaris was built upon this mountain by Tarquinius Superbus, as a rendezvous for the forty-seven towns composing the Latin League, when their representatives assembled for the purpose of worship and feasting during the Feriae Latinae.

lacus. The Alban lake, south-west of the mountain, is described by Sir William Gell as 'one of the most beautiful pieces of water in the world, and in respect to scenery, beyond comparison the finest of those of purely volcanic origin in Italy; it is about two miles and a third in length, one and a third in width, and more than six miles in circuit.' *Topography*, Vol. I. p. 38.

§ 86. *sacrarium Bonae Deae.* See Introduction, § 3. The Bona Dea was a goddess whose worship was celebrated by Roman matrons in the house of the Pontifex Maximus, no male being allowed to take any part. See § 13.

taeterrimam mortem obiret, 'he died a most revolting death,' as a bandit.

iudicio illo nefario. Comp. Cicero's account of the trial of Clodius in a letter to Atticus (I. 16): 'si causam quaeris absolutionis...egestas iudicum fuit et turpitudo...Nam ut reiectio facta est clamoribus maximis, quum accusator tanquam censor bonus homines nequissimos reiceret, reus tanquam clemens lanista frugalissimum quemque secerneret, ut primum iudices consederunt, valde diffidere boni coeperunt: non enim unquam turpior in ludo talario consessus fuit—maculosi senatores, nudi equites, tribuni non tam aerati quam, ut appellantur, aerarii.'

CHAPTER XXXII.

sine imaginibus. See notes on § 33.

sine cantu. The funeral procession was usually headed by musicians of various kinds, called *tibicines* and *cornicines:* see *Dict. of Antiq.* art *Funus*, and Becker's *Gallus*.

ludis, 'games.' Gladiators were often employed to fight around the pyre of wealthy and distinguished persons, hence called *bustuarii:* comp. Hor. *Sat.* II. 3, 84:

> Haeredes Staberi summam incidere sepulchro;
> Ni sic fecissent, gladiatorum dare centum
> Damnati populo paria.

Players and buffoons sometimes formed part of the procession.

exsequiis. See notes on § 33.

lamentis. The women employed to raise the funeral wail (*naenia*) were called *praeficae:* comp. Hor. *Od.* II. 20, 21:

Absint inani funere naeniae
Luctusque turpes et querimoniae;
Compesce clamorem et sepulchri
Mitte supervacuos honores.

laudationibus. See notes on § 33.

sine funere, 'without any funeral rites:' these words conclude the list, as *funus* is a comprehensive term, including all the rest.

oblitus cruore et luto. See Introduction, § 3.

spoliatus celebritate, 'robbed of the usual concourse at that closing scene:' for this use of the word *celebritas* comp. *De Legg.* II. c. 26: 'sublata etiam erat celebritas virorum ac mulierum, quo lamentatio minueretur: habet enim luctum concursus hominum.'

Non fuisse...damnata esset, 'religion would not, I suppose, permit the effigies of highly distinguished ancestors to contribute any lustre to (the obsequies of) that most brutal murderer, or that in death he should be mangled on any spot but that on which his life had been condemned.' The word *mortem* is here poetically used for *mortuum*, in order to preserve the antithesis between it and *vita* in the next clause: comp. Propert. *Eleg.* II. 13, 17:

Quandocunque igitur nostros nox claudet ocellos,
  Accipe quae serves funeris acta mei;
Nec mea tunc longa spatietur imagine pompa,
  Nec tuba sit fati vana querela mei;
Nec mihi tum fulcro sternatur lectus eburno,
  Nec sit in Attalico mors mea nixa toro.

§ 87. *me dius fidius.* See notes on § 76.

quae tot annos...pateretur, 'which for so many years beheld him trampling on this commonwealth, and suffered him to do it:' comp. Catull. 29, 5: 'haec videbis, et feres.'

religiones, i.e. the worship of Bona Dea: see § 72.

redemerat. At his trial 'de incestu.'

vexarat...senatum, viz. by assigning provinces to Piso and Gabinius: see § 73.

omnium ordinum...resciderat, 'he had annulled measures that had been passed for the security of the commonwealth with the consent of all orders in the state.' This refers to the law obtained by Clodius for setting aside the proceedings of the senate in the case of Catilina's party, and declaring it penal to take the life of a citizen without trial.

bona diripuerat, by confiscation, when he obtained his banishment. Cicero's house on the Palatine was destroyed, and his country-houses at Tusculum and Formiae plundered.

Cn. Pompeio...indixerat. See § 18.

domum mei fratris incenderat. This happened on the eleventh of November, B. C. 57, as we learn from a letter to Atticus (IV. 3, § 2): 'armatis hominibus ante diem tertium Non. Novemb. expulsi sunt fabri de area nostra, disturbata porticus Catuli...Quinti fratris domus primo fracta coniectu lapidum ex area nostra, deinde inflammata iussu Clodii.'

vastarat Etruriam. See § 26.—*multos...eiecerat.* See §§ 74, 75. *capere*, 'to contain;' (in Greek, χωρεῖν): comp. Demosth. *Philip.* III. p. 118: οὔθ' ἡ Ἑλλὰς οὔθ' ἡ βάρβαρος τὴν πλεονεξίαν χωρεῖ τἀνθρώπου.

incidebantur iam...addicerent, 'laws were already being engraved at his house which were to hand us over to our own slaves.' Asconius says that amongst the other projects of Clodius was one to allow sons of freedmen (*libertini*), who could only vote in the city-tribes, to vote also as members of the country-tribes.—*incidebantur.* Laws, when passed, were engraved

on bronze tablets: comp. *Philipp.* I. c. 10, § 26: 'quid tum? quod erit ita gestum id lex erit; et in aes incidi iubebitis, credo, illa legitima: CONSVLES POPVLVM IVRE ROGAVERVNT POPVLVSQVE IVRE SCIVIT.' Cicero here speaks rhetorically, meaning to say that Clodius felt quite sure of obtaining his object as praetor.

adamasset, 'had taken a fancy to.'

§ 88. *ipsum illum.* Pompeius. See ch. 8, § 21.—*devinctum*, 'bound hand and foot.'

CHAPTER XXXIII.

ut supra dixi. See ch. 31, § 84.

suo iure, 'by its own jurisdiction:' comp. *Philipp.* IV. 4: 'omnes enim in consulis iure et imperio debent esse provinciae.'

eum circumscripsisset, 'would have kept him within the bounds of the law;' comp. *Philipp.* II. 22: 'circumscriptus e senatu Antonius.'—*Credo* is here used ironically, '*I suppose.*'

ne quum...profecerat, 'even when it was in the habit of so doing, it had had no success in dealing with this very man, before he was in office.'

§ 89. *suos consules*, 'consuls who were his own creatures;' viz. Hypsaeus and Scipio. Comp. *pro Quint.* c. 6: 'utebatur populo sane suo.' Horace also uses *non suus* in the sense of 'unfavourable;' *Epod.* 9. 30:

> Aut ille centum nobilem Cretam urbibus,
>   Ventis iturus non suis;
> Exercitatas aut petit Syrtes Noto,
>   Aut fertur incerto mari.

per quem...meminisset, 'when he remembered that it was through him as tribune that consular merit had been most cruelly persecuted.' He here alludes to the conduct of Clodius towards himself in the year when he procured his banishment for the proceedings against Catilina and his party, during the consulate of Cicero, B.C. 63. For the use of *virtus* in the abstract, comp. Hor. *Od.* III. 24, 30:

> quatenus (heu, nefas!)
> Virtutem incolumem odimus,
> Sublatam ex oculis quaerimus invidi.

lege nova...suos fecisset. See notes on § 87 and § 33.

homo...virum. The difference between *vir* and *homo* is here strongly marked, a difference as great as that between 'gentleman' and 'man' or 'person,' in English.

§ 90. *ille vero consul*, 'aye, and as consul too.'—*ille denique vivus*, 'would he, in short, if alive at all:' comp. Tac. *Ann.* VI. c. 22: 'non initia nostri, non finem, non denique homines dis curae.'

curiam. The senate held its sittings at this time in the *Curia Hostilia*, built by King Hostilius; see Liv. I. 30.

Templum sanctitatis. Comp. Virg. *Aen.* I. 422:

> Iura magistratusque legunt sanctumque senatum.

mentis, 'of intelligence.' Comp. *de Harusp. Resp.* c. 27: 'senatum ipsum, principem salutis mentisque publicae,...pervertit.'

aram sociorum, 'the asylum of our allies.' Comp. Ov. *Heroid.* I. 110: 'tu citius venias portus et ara tuis.'

portum, 'the harbour of refuge.' Comp. *de Off.* II. 8: regum populorum nationum portus erat et refugium Senatus.'

funestari, 'desecrated;' i.e. by a dead body. Comp. *pro C. Rabir. Perduell.* c. 4: 'uter nostrum tandem, Labiene, popularis est:—tune qui... crucem ad civium supplicium defigi et constitui iubes, an ego qui funestari concionem contagione carnificis veto?' See also *pro Font.* c. 10, § 31.

ustor, 'as a body-burner.' This was the technical term for a person employed in burning the corpses of the poor previously to burial, the place where they were burnt being called *ustrina*. The occupation was considered low and menial, as appears from the following passage of Lucan, VIII. 736:

> Da vilem Magno plebeii funeris arcam,
> Quae lacerum corpus siccos effundat in ignes:
> Robora non desint misero nec sordidus ustor.

Comp. Catullus, LIX. 2:

> Uxor Meneni, saepe quam in sepulcretis
> Vidistis ipso rapere de rogo coenam,
> Cum devolutum ex igne prosequens panem
> Ab semiraso tunderetur ustore.

Joseph Scaliger, in his note on this passage, remarks that convicts and galley-slaves had one side of their heads shaven (*semirasi*). There is here an antithesis between *ustor pro mortuo* and *signifer pro vivo*, the occupation of a 'standard-bearer' (*signifer*) being deemed an honour.

§ 91. *et sunt qui...querantur*, 'yet there are those who complain about the Appian Road.' See § 18. For this use of *et* comp. *Philipp.* I. c. 8: 'et vos acta Caesaris defenditis, qui leges eius evertitis!'

et qui ab eo...curia, 'and who fancy that the Forum could have been defended against the breathing form of him, against whose corpse the chamber of the Senate was not proof!'

cuius vix...insepulti, 'when you find it hard to withstand the demon of his uninterred remains.'

cum falcibus, 'with bills.' The *falx* was an instrument employed in sieges, for the purpose of tearing down walls; see Caes. *B. G.* III. 14. VII. 22. *Falces* are mentioned by Cicero among the arms sent by Lentulus to Catilina; *pro Sulla*, c. 5, § 17. They appear to have been used on the present occasion in breaking into the temple of Castor.

ad Castoris, 'to the temple of Castor,' *aedem* being understood, as when we speak of 'St Paul's.' This temple was used for various purposes, and amongst others as a treasury; comp. *pro Quint.* c. 4, § 17: 'hoc eo per te agebatur quod propter aerariam rationem non satis erat in tabulis inspexisse quantum deberetur, nisi ad Castoris quaesisset quantum solveretur.' The object therefore of the assailants was, probably, plunder. For a description of this temple see *in Verr.* I. c. 49, 50.

volitarunt, 'hovered about the forum in all directions.' Comp. *in Pison.* c. 12: 'cum vis latrocinii vestri tota urbe volitaret;' *de Orat.* I. c. 38: 'nam volitare in Foro, haerere in iure ac praetorum tribunalibus, iudicia privata magnarum rerum obire...insignis est impudentiae.'

contionem gladiis disturbari, 'a public meeting broken up and dispersed at the point of the sword.' See Introduction, § 4.—*silentio*, 'without interruption.'

M. Caelius. Cicero thus speaks of Caelius in his Brutus, c. 79: 'talis tribunus plebis fuit, ut nemo contra civium perditorum popularem turbulentamque dementiam a senatu et a bonorum causa steterit constantius.'

See Introduction, § 4.—*in suscepta causa firmissimus*, 'most determined in his attachment to any cause he had espoused:' see Introduction, § 7.

in hac...singulari, 'in Milo's present peculiarly odious position,—or, if you please, his extraordinary luck.'

CHAPTER XXXIV.

imploro, 'I beg of you (as a favour);' *exposco*, 'I claim from you (as his due).'

Nolite...ei parcere. Plutarch, in his life of *Cicero*, 35, says that Milo's carelessness about the trial contributed greatly to his condemnation: *εὐθαρσῶς καὶ ἀνδρείως παρισταμένου τῷ ἀγωνὶ καὶ κόμην θρέψαι, καὶ μεταβαλεῖν ἐσθῆτα φαιὰν ἀπαξιῶσαι· ὅπερ οὐχ ἥκιστα δοκεῖ συναίτιον αὐτῷ γενέσθαι τῆς καταδίκης*,—*hoc*, 'on this account;' probably an elliptical expression for *propter hoc;* comp. Hor. *Sat.* I. 1, 46:

> Millia frumenti tua triverit area centum;
> Non tuus hoc capiet venter plus quam meus.

Haud...scio an magis, 'I am not sure that he does not even deserve your aid a great deal more in consequence.'

in infimi...fortuna, 'where the standing and fate of men belonging to the lowest classes is concerned:' i.e. of captives, slaves, and convicts. Comp. *de Off.* I. c. 13: 'est autem infima conditio et fortuna servorum.'

timidos...odisse solemus. The spectators decided the fate of a fallen gladiator by pressing down their thumbs, if they admired his courage and wished his life to be spared, or turning them up and ordering him to submit to the sword (*ferrum recipere*), if they were dissatisfied and wished him to be killed. Comp. Juv. *Sat.* I. 3, 36:

> Munera nunc edunt et verso pollice vulgi
> Quemlibet occidunt populariter.

eorumque...efflagitant, 'and we feel more pity for those who ask for none from us than for those who beg hard for it.'

§ 93. *me quidem...quotidie*, 'as for myself, these remarks of Milo, which I am continually hearing, and of which I am a daily witness, take all life and spirit out of me.'

incolumes, 'safe,' in the sense of 'unharmed' or 'in good condition:' thus it is opposed to *victus* in the speech *de lege Manil.* c. 9: 'itaque tantum victus efficere potuit quantum incolumis nunquam est ausus optare.' *Tutus* is 'safe from danger.'

quoque modo...de me, 'a country which will still be very dear to me, whatever may be her deserts;' i.e. however ill she may have treated me.

perfruantur, 'let them have full enjoyment.'

at carebo mala, 'I shall, at all events, be away from one that is bad;' see notes on § 18. For *at* after *si non* in the sense of 'at any rate,' comp. *pro Quint.* c. 31: 'Quintius Naevium obsecravit ut aliquam, si non propinquitatis, at aetatis suae, si non hominis, at humanitatis rationem haberet.'

bene moratam, 'well-ordered.'

§ 94. *cogitationes inanes meae.* See notes on § 79.

me senatui dedissem, 'had devoted myself to the Senate.'

qui omnem...abiecerant, 'who had abdicated all their influence as useless in consequence of the armed force of Clodius.' Comp. *de Orat.* II. c.

52. 'si quam gloriam peperisse videatur, etsi ea non sit iniqua merces periculi, tamen ea non delectari totamque abicere atque deponere.'

tui, 'your own order,' as Cicero himself belonged to an equestrian family. Comp. Plin. *N. H.* 30, 8: 'M. Cicero stabilivit equestre nomen in consulatu suo Catilinariis rebus.'

Italiae voces. See § 39.

CHAPTER XXXV.

§ 95. *omnia circumspicientibus pericula*, 'who are on the look-out for every danger:' comp. *in Catil.* IV. c. 2: 'quare, patres conscripti, incumbite ad reipublicae salutem; circumspicite omnes procellas quae impendent nisi providetis.'

Plebem...deleniret, 'he reminds us that with respect to the plebs and the lowest masses of the people, which under the guidance of P. Clodius were ever menacing your welfare, he took measures not only to control them by his worth, but also to throw a sop to them with the help of his three fortunes, in order that your lives might be more secure.' For the phrase *eam se fecisse ut flecteret*, comp. *Lael.* c. 12: 'invitus feci ut Flaminium e senatu eicerem.' See also *de Off.* I. 31.

tribus suis patrimoniis. Asconius supposes that one of these fortunes was derived from the Papian family; another from the Annian, into which he had been adopted; and the third from his mother.

muneribus, 'by public exhibitions.' See Introduction, § 2, n. 7. Comp. Plin. *H. N.* XXXVI. 15: 'ipsum Milonem sestertium septingenties aeris alieni debuisse inter prodigia animi humani duco.'

vestrorum ordinum. See notes on § 4.—*occursationes*, 'friendly advances;' comp. *pro Planc.* c. 12: 'facilis est illa occursatio et blanditia popularis.'—*sermones*, 'kind expressions.'

§ 96. *vocem praeconis.* When the election of praetors or consuls was over, a crier (*praeco*) reported (*renuntiavit*) the man on whom the choice of the people had fallen. Comp. *in Verr.* V. c. 15: 'tu quum esses praetor renuntiatus,...non ipsa praeconis voce excitatus es, qui te TOTIES SENIORVM IUNIORVMQVE CENTVRIIS ILLO HONORE AFFICI pronunciavit?'—*quam minime desiderarit*, 'of which he was in no want at all.'

nunc denique...obstare, 'he remembers also that even now at the last moment, if these arms are meant to be turned against himself, that which stands in his way is, not the charge of having committed a crime, but the suspicion that he has some bad design.' Comp. Vell. Paterc. II. 47: 'Milonem reum non magis invidia facti quam Pompeii damnavit voluntas.' The antithesis here is between *facinoris* and *facti*. *Facinus* is sometimes used to denote 'an intrigue,' as in § 73, or 'a bad design,' as in Ovid. *Trist.* IV. 4, 43:

> Ergo ut iure damus poenas, sic abfuit omne
> Peccato facinus consiliumque meo.

The meaning of *facti crimen*, on the other hand, is clearly marked in Juv. *Sat.* V. 13, 210:

> Nam scelus intra se tacitum qui cogitat ullum
> Facti crimen habet.

quibus ea res...civibus, 'for whom such conduct has gained honour

from their fellow-citizens.' Comp. Thuc. VI. 15: ὢν ἐν ἀξιώματι ὑπὸ τῶν ἀστῶν.

qui beneficio...vicerint, 'who have outdone their fellow-citizens in good services.'

§ 97. *si esset...praemiorum*, 'if the rewards *must* be taken into consideration.'

cuius gradibus...adscendere, 'by the steps of which even human beings seemed to mount to heaven.' Comp. *Paradoxa*, I. 2: 'quibus tandem gradibus Romulus escendit in coelum? iisne quae isti bona appellant, an rebus gestis atque virtutibus?'

§ 98. *nulla...vetustas*, 'no distant age shall ever cease to make mention of me.' Comp. Virg. *Aen.* X. 792:

Si qua fidem tanto est operi latura vetustas.

quum omnes...subiciantur; literally, 'though brands of every kind are being applied by my enemies to the flame of ill-will against me:' according to our idiom, 'though every means is being used by my enemies to fan the flame of ill-will against me.' See notes on § 75, and comp. Vell. Pater. II. 48: 'bello autem civili...non alius maiorem flagrantioremque quam C. Curio tribunus plebis subiecit facem.'

omni sermone celebramur, 'we form the theme of every conversation.'

Omitto...dies, 'I pass over the Etrurian festivals, both kept (already) and appointed to be kept (hereafter:)' i.e. to celebrate their deliverance from the depredations of Clodius, mentioned in §§ 26, 74.

centesima...altera, 'it is now a hundred and two days, I think, since Clodius perished.' The *et* is generally omitted, as in Liv. III. 33: 'anno trecentesimo altero:' and sometimes *alter* is put first, as in Cic. *ad Fam.* XII. 2: 'altero vicesimo die' (the two-and-twentieth day). The speech was delivered, according to Asconius, on the 8th of April, and Clodius was murdered on the 20th of January; there was therefore an intercalary month of twenty-three days between the twenty-third and twenty-fourth of February. See *Dict. of Antiq.* art. *Calendar, (Roman)*, pp. 179, 180, and Introduction, § 6, n. 42.

CHAPTER XXXVI.

§ 99. *Te quidem quod...possum*, 'yourself, indeed, I cannot praise enough for manifesting such a temper.' Many editions read *quum* instead of *quod*, but it is doubtful whether *quum* was ever used with an *indicative* in the sense of 'since,' that is, with a purely causative signification.

nec vero...accessero, 'and besides, if you are snatched from me, I have not still left me that usual power of protest for my comfort notwithstanding (your removal), that I could vent my spleen on those at whose hands I should (in that case) have received so deep a wound.' Observe, *tamen* is to be taken in connexion with the words *illa ad consolandum querela*, and not with *reliqua est*.

aliquando, 'at some time:' *semper*, 'at all times.'

Nullum unquam...feceritis, 'there is indeed no pang that you will ever cause to rankle in my breast so deeply,—and, though none could do so more deeply, I will say it even of this very pang to which I was alluding,—that I can ever forget the estimation in which you have always held me.'

Comp. *Philipp.* XI. 15: 'tertio vero generi...importunissimorum hostium cupio quam acerbissimum dolorem inurere.'

quae si vos cepit oblivio, 'and if such forgetfulness has come over *you*.'—*si aliquid in me offendistis*, 'if you are affronted at anything in my conduct.' Obs. *me* is in the *ablative*, not the *accusative* case.—*luitur*, 'visited.'

si quid mihi acciderit. See notes on § 58.

§ 100. *amoris*, 'of affection:' *studii*, 'of zeal:' *pietatis*, 'of attachment:' *officium*, 'service.'

Ego inimicitias...appetivi, 'it was I who courted the enmity of the great and powerful, on your behalf.'

bona...contuli, 'I have staked my own and my children's fortune with yours, to share alike in all that may befal you.'

dimicatio capitis, 'struggle for life and death.' Comp. *pro Balbo*, c. 9: 'quae saepe se telis hostium, qui dimicationi capitis, qui morti obiecerit.' The other reading *diminutio capitis*, adopted by Matthaei, does not accord well with the preceding words *si qua vis est parata.*

deposco, 'I put in a claim:' comp. *ad Att.* XIII. 11: 'sed hanc mihi dispensationem pro paterna necessitudine et coniunctione deposco.'

non recuso, 'I make no objection:' *non abnuo*, 'I am content.'

vosque obsecro...videatis, 'and I beg of you, judges, either to add to the sum of your favours already conferred on me, in case the defendant shall escape, or to perceive that, in case of his ruin, those favours will most likely fall to the ground.'

CHAPTER XXXVII.

§ 101. *mortem...poenam*, 'that death is the termination of our being, and no penalty.' That this was the opinion of Caesar also appears from a speech ascribed to him by Sallust, *Cat.* c. 51: 'de poena possumus equidem dicere, id quod res habet, in luctu atque miseriis mortem aerumnarum requiem, non cruciatum esse; eam cuncta mortalium mala dissolvere; ultra neque curae neque gaudio locum esse.' Comp. Cic. *in Cat.* IV. 4, where Cicero intimates that the popular belief in future punishments was encouraged by the ancients as a convenient check to crime in the present life: 'vitam solam relinquit (Caesar) nefariis hominibus, quam si eripuisset, multos uno dolore dolores animi atque corporis et omnes scelerum poenas ademisset: itaque, ut aliqua in vita formido improbis esset posita, apud inferos eiusmodi quaedam illi antiqui supplicia impiis constituta esse voluerunt, quod videlicet intelligebant, his remotis, non esse mortem ipsam pertimescendam.'

qua natus est, 'which is natural to him.' See § 68.

qui hanc virtutem excipiat, 'to welcome merit such as this.' See notes on § 89.

huic iudicio praesidentibus, 'affording your protection to this court.' Comp. Liv. XXII. 11: 'alii ut urbi praesiderent relicti.'

haec tanta...proicietur, 'shall such extraordinary merit as this be driven out from this city, expatriated, cast adrift?' Comp. Demosth. (?) *κατὰ Ἀριστογ.* p. 798, Reiske: *δεῖ δὴ...τοῦτο τὸ θηρίον ὑμᾶς ἐξορίσαι, ῥίψαι ἐκ τῆς πόλεως, ἀνελεῖν.*

§ 102. *per hos*, i.e. the senators, knights, &c., of whom the jury was composed.—*parentem alterum*, 'a second parent.'

qui nunc abes. Quintus Cicero was at this time acting as Caesar's legate in Gaul.

a quibus non potuisse? 'against whom was I unable' (to protect Milo)? For this sense of the preposition *a* after *tueri*, comp. notes on § 91.

P. Clodii morte acquierunt, 'felt relieved by the death of P. Clodius.' Comp. *ad Fam.* IV. 6: 'literis lectis aliquantum acquievi.' *In P. Clodii morte acquierunt* would mean, 'felt satisfaction at his death.'

§ 103. *quodnam...dolores*, 'why, what great wickedness was I guilty of, what enormous offence did I commit, when I tracked, laid bare, dragged forth to light, and eradicated these evidences of an approaching general calamity? This is the well-spring of all the sorrows that have overwhelmed me and my friends.' Comp. *pro Sext.* c. 69: 'quod tantum est in me scelus? quid tantopere deliqui illo die quum ad vos indicia, litteras, confessiones communis exitii detuli?'

CHAPTER XXXVIII.

pace tua...dicam pie, 'forgive the wish, my country; for I fear lest in using these expressions of devotion to the cause of Milo, I may, so far as thou art concerned, be uttering treason.'

§ 104. *immo vero*, 'no! rather than that:' Milo is here supposed to speak.—*patriae natus*, 'born for his country's good.'

si forte, 'it may be.' In Greek, εἰ τύχοι.

animi monumenta, 'the memorials of his genius:' i.e. the peace and tranquillity which he had procured.

§ 105. *neque enim...iam loqui possum*, 'and indeed I can no longer speak for tears.' Comp. *pro Planc.* c. 41: 'nec loqui prae moerore potuit.'

vestram virtutem...delegit. This closing sentence is intended to remove the impression that Pompeius was unfriendly to the cause of Milo.

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